
A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
2 amended by amending subsection (4) to read as follows:

3 "(4) Any police officer, with or without a warrant, [~~may~~]
4 shall take the following course of action [~~where the officer has~~
5 ~~reasonable grounds to believe that there was physical abuse or~~
6 ~~harm inflicted by one person upon a family or household member~~],
7 regardless of whether the physical abuse or harm occurred in the
8 officer's presence:

9 (a) The police officer [~~may~~] shall make reasonable inquiry
10 of the family or household member upon whom the
11 officer believes physical abuse or harm has been
12 inflicted and other witnesses as there may be;

13 (b) [~~Where the police officer has reasonable grounds to~~
14 ~~believe that there is probable danger of further~~
15 ~~physical abuse or harm being inflicted by one person~~
16 ~~upon a family or household member, the] The police
17 officer lawfully shall order the person to leave the
18 premises for a period of separation of forty-eight~~



1 hours, during which time the person shall not initiate
2 any contact, either by telephone or in person, with
3 the family or household member; provided that the
4 person is allowed to enter the premises with police
5 escort to collect any necessary personal effects;

6 (c) [~~Where the police officer makes the finding referred~~
7 ~~to in paragraph (b) and~~] When the incident occurs
8 after 12:00 p.m. on any Friday, or on any Saturday,
9 Sunday, or legal holiday, the order to leave the
10 premises and to initiate no further contact shall
11 commence immediately and be in full force, but the
12 forty-eight hour period shall be enlarged and extended
13 until 4:30 p.m. on the first day following the weekend
14 or legal holiday;

15 (d) All persons who are ordered to leave as stated above
16 shall be given a written warning citation stating the
17 date, time, and location of the warning and stating
18 the penalties for violating the warning. A copy of
19 the warning citation shall be retained by the police
20 officer and attached to a written report which shall
21 be submitted in all cases. A third copy of the
22 warning citation shall be given to the abused person;



S.B. NO. 2025

Report Title:

Penal Code; Abuse of Family or Household Member; Mandatory Reasonable Inquiry; Mandatory No-Contact Period

Description:

Requires a police officer to make reasonable inquiry of the victimized family member and witnesses, if applicable, and order a person to leave the premises for a no-contact period of forty-eight hours.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

