

Honolulu, Hawaii

APR 04 2014

RE: H.B. No. 1993

S.D. 2

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawaii

Madam:

Your Committee on Ways and Means, to which was referred H.B.  
No. 1993, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to reduce domestic  
violence and to protect minors and other household members from  
abuse.

Specifically, the measure:

- (1) Requires police officers to make a reasonable inquiry of the family or household member upon whom the officer believes that physical abuse or harm has been inflicted, and inquire the same of any available witnesses;
- (2) Requires a police officer to order a person to leave the premises for a period of separation of forty-eight hours, regardless of whether the police officer has reasonable grounds to believe that there is probable danger of further physical abuse or harm being inflicted by one person upon a family or household member; and
- (3) Makes the commission of an act of physical abuse in the presence of a family or household member who is less than fourteen years of age a class C felony.



Your Committee received written comments in support of this measure from the County of Kauai, Office of the Prosecuting Attorney; and the County of Hawaii, Office of the Prosecuting Attorney. The City and County of Honolulu, Department of the Prosecuting Attorney submitted written comments on the measure.

Your Committee finds that domestic violence occurs at an alarming rate across the nation. The resulting physical and emotional trauma resulting from domestic violence not only affects the victims of domestic violence but also children who witness the domestic violence. Research has consistently shown that children who witness domestic violence have an increased rate of emotional, cognitive, and developmental difficulties. Your Committee believes that this measure will help deter future acts of domestic violence by family or household members and prevent the unnecessary trauma that children experience from witnessing acts of domestic violence.

Your Committee has amended this measure by:

- (1) Adding a savings clause to preserve rights and duties that matured, penalties that were incurred, and proceedings that were begun prior to the effective date;
- (2) Changing the effective date to July 1, 2050, to facilitate further discussion on the measure; and
- (3) Making technical nonsubstantive changes for purposes of clarity, consistency, and style.

Your Committee notes that constitutional concerns have been expressed regarding the amendment to section 709-906(4), Hawaii Revised Statutes, that would delete language that now requires a police officer to have reasonable grounds before ordering a person to leave the premises for forty-eight hours. Accordingly, your Committee respectfully recommends that the Attorney General be consulted regarding this issue.

As affirmed by the record of votes of the members of your Committee on Ways and Means that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1993, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 1993, S.D. 2.



Respectfully submitted on  
behalf of the members of the  
Committee on Ways and Means,

*David Y. Ige*

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DAVID Y. IGE, Chair



