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STAND. COM. REP. NO.

Honolulu, Hawaii
February 28 2013

RE: H.B. No. 587
H.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 587 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose of this measure is to strengthen the law that protects family or household members from physical abuse. Specifically, this bill:

- (1) Expands the definition of a "family or household member" to include partners in a romantic relationship when considering the abuse of a family or household member;
- (2) Allows a police officer to arrest an individual suspected of abusing a family or household member to prevent the individual from returning to the scene of the alleged abuse after a stay-away order to leave the premises has been issued by a police officer;
- (3) Increases the minimum jail sentence for abuse of a family or household member or the refusal to comply with the lawful order of a police officer in cases where reasonable grounds exist to believe that physical abuse or harm was inflicted upon a family or household member from:



- (A) Forty-eight hours to ninety-six hours for a first offense; and
 - (B) Thirty days to sixty days for a second offense occurring within one year of the first conviction;
- (4) Provides that a third or any subsequent offense of abuse of a family or household member shall be deemed a Class C felony if the offense occurred within five rather than two years of a second or subsequent conviction; and
- (5) Makes abuse of a family or household member a Class C felony if the physical abuse occurs in the presence of any family or household member who is less than ten years of age.

The Office of the Prosecuting Attorney of the County of Kauai and two concerned individuals testified in support of this bill. The Office of the Public Defender and Maui Police Department testified in opposition to this measure. The Hawaii State Coalition Against Domestic Violence provided comments.

Your Committee has amended this bill by:

- (1) Changing the term romantic relationship to dating relationship when considering persons in a relationship under the definition of "family or household member" for cases of abuse of a family or household member;
- (2) Deleting the provision allowing a police officer to arrest an individual suspected of abusing a family or household member to prevent the individual from returning to the scene of the alleged abuse after a stay-away order to leave the premises has been issued by a police officer;
- (3) Deleting the provision increasing the minimum jail sentences for abuse of a family or household member or the refusal to comply with the lawful order of a police officer in cases where reasonable grounds exist to believe that physical abuse or harm was inflicted upon a family or household member;



- (4) For the time period within which a third or any subsequent offense of abuse of a family or household member shall be deemed a Class C felony, deleting the increase from two to five years;
- (5) Deleting the provision making abuse of a family or household member a Class C felony if the physical abuse occurs in the presence of any family or household member who is less than ten years of age; and
- (6) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 587, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 587, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



