

Honolulu, Hawaii

FEB 04 2013

RE: S.B. No. 916
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Human Services, to which was referred S.B. No. 916 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish that if a protective order is issued to prevent sexual offenses or child abuse or a recurrence of such acts that would constitute a felony between family or household members or if a licensed mental health professional submits an affidavit made under oath or under penalty of perjury to a court stating that the person suffers from instances of extreme psychological abuse, the court shall issue a permanent protective order; and
- (2) Amend the definition of domestic abuse to include sexual offenses or child abuse committed by one family or household member against another family or household member, regardless of the age of either member.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Judiciary, Hawaii State Coalition Against Domestic Violence, and Domestic Violence Action Center.



Your Committee has heard testimony of the Judiciary expressing concerns that:

- (1) This measure does not appear to add any new remedy, as current procedures appear to work in the petitioners' interests;
- (2) This measure deprives petitioners of their ability to make decisions about their civil action and their lives;
- (3) There may be unintended and unforeseen consequences because of the measure's specifics; and
- (4) Unless the defendant agrees to the court's reliance on an affidavit, the court will be unable to follow this measure because of due process problems.

Accordingly, your Committee has amended this measure by inserting an effective date of July 1, 2050, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 916, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 916, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,


SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:* SB 916	Committee Referral: HMS, JDL	Date: 1/29/13		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	/			
GREEN, Josh (VC)	/			
KIDANI, Michelle N.				/
TANIGUCHI, Brian T.				/
SLOM, Sam	/			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes