

HB 1570 HD1

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

Specifies that the period of separation that a police officer can order under suspicion of physical abuse or harm is two business days from the day the order is issued. Defines "business day" as any calendar day, except Saturday, Sunday, or a state holiday. (HB1570 HD1)

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 10:25 AM
To: PSMTestimony
Cc: jkaramatsu@honolulu.gov
Subject: Submitted testimony for HB1570 on Mar 11, 2014 14:50PM
Attachments: HB1570 HD1 140311 PSM ext 48h warn pd.rtf

HB1570

Submitted on: 3/10/2014

Testimony for PSM on Mar 11, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Jon Riki Karamatsu	Honolulu Prosecuting Attorney	Support	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



THE HONORABLE WILL ESPERO, CHAIR
SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND
MILITARY AFFAIRS
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

March 11, 2014

RE: H.B. 1570, H.D. 1; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

Chair Espero, Vice Chair Baker, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of H.B. 1570, H.D. 1.

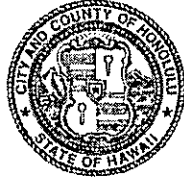
H.B. 1570, H.D. 1 specifies that the period of separation that a police officer can order under suspicion of physical abuse or harm is two business days from the day the order is issued. The measure defines "business day" as any calendar day, except Saturday, Sunday, or a state holiday.

The intent of having the 48-hour period of separation is to keep the abuser away from the victim and give the victim time to get a restraining order and safe shelter. Currently, if an abuse happens over the weekend or holiday, the clock is ticking and meanwhile all government agencies and many private organizations are closed. This bill will give the time needed for victims to get help and legal protection.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1570, H.D. 1. Thank for you the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK W. CALDWELL
MAYOR

LOUIS H. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE LL- AUL

March 10, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental
And Military Affairs
State Senate
State Capitol, Room 224
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: House Bill 1570, HD1, Relating to Abuse of Family or Household Member

I am Larry Lawson, Acting Major of the Wahiawa Police Station, District 2, Honolulu Police Department (HPD), City and County of Honolulu.

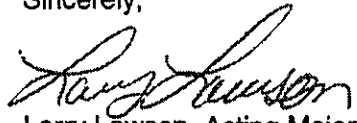
The HPD supports House Bill 1570, HD1, which increases the order to leave time period if the order expires on a Saturday, Sunday, or legal holiday to the second business day following such expiration.

The HPD believes increasing the time period will allow those who are victims of abuse to seek shelter or orders for protection for themselves or their families after such orders to leave are issued.

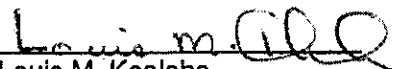
The HPD requests that your committee support the passage of House Bill 1570, HD1.

Thank you for the opportunity to testify.

Sincerely,

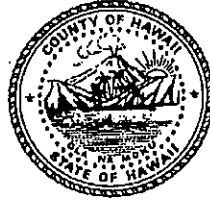

Larry Lawson, Acting Major
District 2

APPROVED BY:


Louis M. Kealoha
Chief of Police

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1570 HD1

A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR
HOUSEHOLD MEMBER

COMMITTEE ON PUBLIC SAFETY,
INTERGOVERNMENTAL AND MILITARY AFFAIRS

Sen. Will Espero, Chair
Sen. Rosalyn H. Baker, Vice Chair

Tuesday, March 11, 2014, 2:50 PM
State Capitol, Conference Room 224

Honorable Chair Espero, Vice-Chair Baker, and Members of the Committee on Public Safety, Intergovernmental and Military Affairs, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1570 HD1.

This measure specifies that the period of separation that a police officer can order under suspicion of physical abuse or harm is two business days from the day the order is issued. Defines "business day" as a calendar day, except Saturday, Sunday, or a state holiday.

The intent of this bill is to keep an abuser away from a victim and give the victim time to get a restraining order and safe shelter. This measure will give the time needed for victims to get help and legal protection.

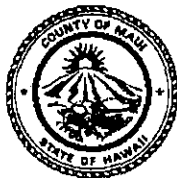
The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of House Bill No. 1570 HD1. Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "M. Roth".

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney

ROBERT D. RIVERA
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
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CONTACT: RICHARD. K. MINATOYA
Deputy Prosecuting Attorney
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
HB 1570, HD 1- RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER
March 11, 2014

The Honorable Will Espero
Chair
The Honorable Rosalyn H. Baker
Vice Chair
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1570, HD 1, Relating to Abuse of Family or Household Member. HB 1570, HD 1 clarifies that the period of separation that a police officer shall order under suspicion of physical abuse or harm covers two business days from the day the order is issued.

Last year, the Legislature passed Act 251, which among other things, requires that a police officer issue a stay away order if the officer has a reasonable belief that there is probable danger of further abuse, and the stay away period was extended from 24-hours to 48-hours. It is presumed that the time extension was made to allow victims two business days to obtain a restraining order. However, Act 251 did not amend the provision addressing after close of business on Fridays, or Saturdays, Sundays and holidays. Currently, if the stay away order is issued during those times, the stay away order ends at the close of business on the first work day following the weekend or holiday. Thus, victims do not have two full workdays to go through the process of obtaining restraining orders.

Furthermore, the weekend/holiday omission is causing confusion among police officers. They have to issue a 48-hour order on weekdays, but in the case of a Sunday or a holiday with a work day following, the stay away order may be less than 24-hours. HB 1570, HD 1 will correct this problem, so that it is clear that a victim will receive to full business days to obtain a restraining order.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 1570, HD 1.

Thank you very much for the opportunity to provide testimony on this bill.

From: mailinglist@capitol.hawaii.gov
Sent: Monday, March 10, 2014 8:56 AM
To: PSMTestimony
Cc: jkollar@kauai.gov
Subject: *Submitted testimony for HB1570 on Mar 11, 2014 14:50PM*

HB1570

Submitted on: 3/10/2014

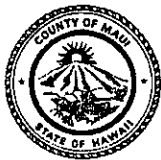
Testimony for PSM on Mar 11, 2014 14:50PM in Conference Room 224

Submitted By	Organization	Testifier Position	Present at Hearing
Justin F. Kollar	County of Kauai Office of the Prosecuting Attorney	Support	No

Comments:

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ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

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GARY A. YABUTA
CHIEF OF POLICE

CLAYTON N.Y.W. TOM
DEPUTY CHIEF OF POLICE

March 10, 2014

The Honorable Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, HI 96813

RE: House Bill No. 1570, HD1 – Relating to Abuse of Family or
Household Member

Dear Chair Espero and Members of the Committee:

The Maui Police Department supports the passing of HB 1570, HD1, which specifies that the period of separation that a police officer can lawfully order a person, under suspicion of physical abuse or harm, to leave a premises is two business days from the day the order is issued. This bill also defines “business day” as any calendar day, except Saturday, Sunday or a state holiday.

The Maui Police Department again supports the passage of HB 1570, HD1.

Thank you for the opportunity to testify.

Sincerely,

GARY A. YABUTA
Chief of Police

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
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EMAIL: dtonishi@co.hawaii.hi.us

HAWAII COUNTY COUNCIL
25 Aupuni Street, Hilo, Hawaii 96720

March 10, 2014

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs

Dear Senator Espero and Members of the Committee,

Thank you for the opportunity to provide testimony in support of House Bill 1570.

This bill will help victims of domestic violence by allowing them to contact the services and resources they need. It allows the mandatory separation period to be extended until 6 p.m. on the second business day after the day the order was issued.

If a separation order is given on a Friday, the separation period under this bill would be extended until 6 p.m. the following Tuesday.

People caught in domestic violence situations may need more time than is currently allowed under the law. They may have to contact an emergency shelter, meet with police, make arrangements with other family members or need more time away from their abusers.

It may also be good for the abuser too, in that it will give that person more time to "cool off" and reflect on his or her actions.

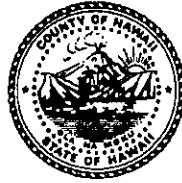
Please recommend approval of this bill.

Sincerely,

A handwritten signature in black ink, appearing to read "Dennis Onishi".

Dennis "Fresh" Onishi
Hawaii County Council Member

COUNTY OF HAWAI'I



STATE OF HAWAI'I

RESOLUTION NO. 292 14

A RESOLUTION URGING THE HAWAI'I STATE LEGISLATURE TO PASS SENATE BILL NO. 2401 AND HOUSE BILL NO. 1570 TO HELP VICTIMS OF DOMESTIC ABUSE.

WHEREAS, under current law, a person who is reasonably believed to be the offender in a domestic abuse case is ordered to refrain from contacting the victim for 48 hours, provided that if the incident occurs between noon Friday afternoon and a Sunday, or on a legal holiday, the 48-hour separation period is extended until 4:30 p.m. on the first day following the weekend or legal holiday; and

WHEREAS, Senate Bill No. 2401 and House Bill No. 1570 help victims of domestic abuse by extending the 48-hour separation period, when appropriate, to 4:30 p.m. on the second business day following the weekend or legal holiday; and

WHEREAS, among other things, the victim may need the extra time to contact an emergency shelter, meet with police and prosecutors, make arrangements with other family members, or need more time away from the offender; and

WHEREAS, the offender may also benefit from the time spent away from the victim to "cool down" and to reflect on his or her actions; and

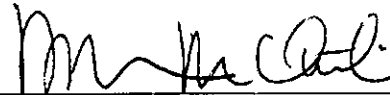
WHEREAS, Senate Bill No. 2401 and House Bill No. 1570 will allow for the easing of pain and emotional distress for families devastated by domestic abuse; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE COUNTY OF HAWAI'I that the Hawai'i State Legislature is urged to pass Senate Bill No. 2401 and House Bill No. 1570 to help victims of domestic abuse.

BE IT FINALLY RESOLVED that the County Clerk shall transmit a copy of this resolution to the Honorable Governor Neil Abercrombie; the Honorable Senate President Donna Mercado Kim; the Honorable House Speaker Joseph Souki; the Honorable Senator Will Espero; the Honorable Senator Clayton Hee; the Honorable Representative Henry J.C. Aquino; and the Honorable Representative Karl Rhoads.

Dated at Kona , Hawai'i, this 19th day of February , 2014.

INTRODUCED BY:



COUNCIL MEMBER, COUNTY OF HAWAII

COUNTY COUNCIL
County of Hawai'i
Hilo, Hawai'i

I hereby certify that the foregoing RESOLUTION was by the vote indicated to the right hereof adopted by the COUNCIL of the County of Hawai'i on February 19, 2014 .

ATTEST:



COUNTY CLERK



CHAIRPERSON & PRESIDING OFFICER

ROLL CALL VOTE

	AYES	NOES	ABS	EX
EOFF	X			
FORD	X			
ILAGAN	X			
KANUHA	X			
KERN	X			
ONISHI	X			
POINDEXTER	X			
WILLE	X			
YOSHIMOTO	X			
	9	0	0	0

Reference: C-652/Waived GREDC

RESOLUTION NO. 292 14