



TO: Chair Karl Rhoads  
Vice Chair Sharon E. Har  
Members of the Committee

FR: Nanci Kreidman, M.A.  
Chief Executive Officer

RE: H.B. 1570 Support

Aloha. Please accept this testimony in support of the Bill before the Committee to extend the period of separation through the second business day following the issuance of a citation by law enforcement..

The Domestic Violence Action Center assists petitioners in obtaining restraining orders. That assistance is life altering for survivors, as they describe it, in client feedback surveys. The incidence of an assault or the presence of imminent harm over a weekend or a holiday, not infrequently, motivates survivors to seek court protection. There are, often, real life factors that interfere with the survivor's ability to get to court to obtain a court order. Making arrangements with their employer, or for their children, or obtaining transportation can conceivably interfere with short window of time currently available.

Thank you very much for your consideration.

ALAN M. ARAKAWA  
Mayor

**LATE**



JOHN D. KIM  
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First Deputy Prosecuting Attorney

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TESTIMONY  
ON  
HB 1570 - RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER  
February 18, 2014

The Honorable Karl Rhoads  
Chair  
The Honorable Sharon E. Har  
Vice Chair  
and Members of the House Committee on Judiciary

Chair Rhoads, Vice Chair Har and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1570, Relating to Abuse of Family or Household Member. HB 1570 will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

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 reasonable belief that there is probably danger of further abuse, and the stay away order was extended to 48-hours from 24-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 regarding after close of business on a Friday, 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. This bill will correct this problem, so that it is clear that a victim will receive to full workdays 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.

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

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE KARL RHOADS, CHAIR  
HOUSE COMMITTEE ON PUBLIC SAFETY  
Twenty-Seventh State Legislature  
Regular Session of 2014  
State of Hawai'i**

February 18, 2014

**RE: H.B. 1570; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.**

Chair Rhoads, Vice Chair Har, and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of House Bill 1570.

H.B. 1570 extends the period of separation that a police officer can order a person under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal 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, all government agencies and many private organizations are closed while the clock is ticking away. This measure 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. Thank for you the opportunity to testify on this matter.

**LATE**

**HB1570**

Submitted on: 2/17/2014

Testimony for JUD on Feb 18, 2014 14:00PM in Conference Room 325

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

Comments: Joining in the reasons stated by the Maui Prosecutor.

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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**OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF HOUSE BILL 1570

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

HOUSE COMMITTEE ON JUDICIARY  
Rep. Karl Rhoads, Chair  
Rep. Sharon E. Har, Vice Chair

**LATE TESTIMONY**

Tuesday, February 18, 2014, 2:00 PM  
State Capitol, Conference Room 325

Honorable Chair Rhoads, Vice-Chair Har, and Members of the House Committee on Judiciary, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1570.

This measure will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

This bill will allow victims two business days to obtain a restraining order, even if an officer issues a stay away order after close of business on a Friday, Saturday, Sunday, or legal holiday.

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

Respectfully,

Mitchell D. Roth  
Prosecuting Attorney  
County of Hawai'i

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**LATE TESTIMONY**

**THE HONORABLE KARL RHOADS, CHAIR  
HOUSE COMMITTEE ON PUBLIC SAFETY  
Twenty-Seventh State Legislature  
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