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TESTIMONY
ON
HB 1993 - RELATING TO DOMESTIC VIOLENCE
January 28, 2014

The Honorable Mele Carroll
Chair
The Honorable Bertrand Kobayashi
Vice Chair
and Members of the House Committee on Human Services

Chair Carroll, Vice Chair Kobayashi and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS HB 1993, Relating to Domestic Violence. HB 1639 proposes to make the commission of Abuse of Family or Household Member a Class C felony if committed in the presence of a minor who is under the age of 14 years.

Domestic violence continues to be a serious problem in our state. Studies revealed that when children witness domestic violence, the result may be severe emotional and developmental difficulties for those children. Although the law currently provides that a court may consider as an aggravated sentencing factor that the domestic abuse was committed in the presence of a child, the probation period still remains at two years. Elevating the offense to a Class C felony will increase the probation period to five years, which will help ensure that the defendant will remain supervised and receive adequate domestic violence education and treatment.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS HB 1993.

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

Justin F. Kollar
Prosecuting Attorney

Kevin K. Takata
First Deputy



Rebecca A. Vogt
Second Deputy

Diana Gausepohl-White, LCSW
Victim/Witness Program Director

OFFICE OF THE PROSECUTING ATTORNEY

County of Kaua'i, State of Hawai'i

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Victim/Witness Program 808-241-1898 or 800-668-5734

**TESTIMONY IN SUPPORT OF
H.B. NO. 1993 – RELATING TO DOMESTIC VIOLENCE**

Justin F. Kollar, Prosecuting Attorney
County of Kaua'i

House Committee on Human Services
January 28, 2014

Chair Carroll, Vice Chair Kobayashi and Members of the Committee:

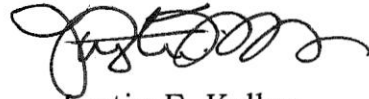
The County of Kauai, Office of the Prosecuting Attorney, SUPPORTS HB 1993 – RELATING TO DOMESTIC VIOLENCE. This bill enhances the available sanctions for individuals who commit domestic abuse in the presence of a juvenile under the age of 14. Notably, the probation period for a convicted abuser would be extended from two years to five years. This extended period of supervision will help ensure that offenders follow through on their obligations with regard to counseling and treatment, and consequently ensure that children are not subjected to further exposure to incidents of domestic abuse.

Research has shown that children who witness domestic violence can suffer severe emotional and developmental difficulties that are similar to those of children who are victims of direct abuse. Approximately 23 states, and Puerto Rico, currently have statutes addressing the issue of children who witness domestic violence in the home. Approximately 18 of those states have statutes that impose additional penalties on offenders who commit domestic abuse in the presence of a child. Hawaii law currently allows a sentencing judge to consider as an aggravating factor that the offense was committed in the presence of a child, but this factor does not change the fact that the probation period is still only two years, and it does not change the fact that misdemeanor probation is not as intensively or actively supervised as felony probation. The existence of this aggravating factor has also not resulted in any change or decrease in the severity or frequency of domestic abuse cases involving children who are present.

Based on the foregoing, the County of Kauai, Office of the Prosecuting Attorney, STRONGLY SUPPORTS the passage of this bill. We ask that the Committee PASS HB 1993.

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

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar". The signature is fluid and cursive, with the first name "Justin" being the most prominent part.

Justin F. Kollar
Prosecuting Attorney

kobayashi1-Joni

From: Kathy Lee-Crowell <klcrowellkauai@yahoo.com>
Sent: Friday, January 24, 2014 2:11 PM
To: HUSstestimony
Cc: jkollar@kauai.gov; Rep. Derek Kawakami; Rep. Daynette Morikawa; Rep. James Tokioka
Subject: House Bill 1993 - Kauai Domestic Violence Task Force

January 24, 2014

TO: Honorable Representative Mele Carroll, Chair & Members
Human Services Committee

RE: Testimony in support of
HB 1993 - Relating to Domestic Violence

TESTIMONY SUBMITTED BY:
KAUAI DOMESTIC VIOLENCE PREVENTION TASK FORCE COUNTY OF KAUAI

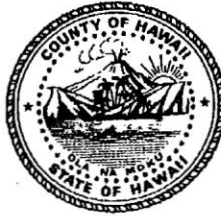
Domestic Violence is a challenging social issue, public health issue and human rights issue. The Kauai Domestic Violence Prevention Task Force was established to provide information, coordinate efforts to control the domestic violence on our island of Kauai, and offer shelter to those in need. This Task Force is comprised of many dedicated members of the community. Among the participants are: the YWCA of Kauai, Child & Family Service, the Department of Education, the Department of Health, the Department of Human Services, Legal Aid, Police Department, Sacred Birthing School, faith-based representatives, Kauai Community College, Office of the Prosecuting Attorney, Immigrant Resource Center and others.

As a Task Force, we strongly support HB 1993, relating to Domestic Violence. This bill will help women and children of Kauai to have a safer quality of life, which is important to everyone. Please help us promote a healthier environment for our keiki and our extended ohana. Your positive input toward passage of this bill would be greatly appreciated.

Sincerely,
Kathy Lee-Crowell
Coordinator
Kauai Domestic Violence Prevention Task Force

MITCHELL D. ROTH
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DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY



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OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1993

A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

HOUSE COMMITTEE ON HUMAN SERVICES

Rep. Mele Carroll, Chair

Rep. Bertrand Kobayashi, Vice Chair

Thursday, January 28, 9:30 AM
State Capitol, Conference Room 329

Honorable Chair Carroll, Vice-Chair Kobayashi, and Members of the House Committee on Human Services, the Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of House Bill No. 1993.

The purpose of this measure is to make the commission of an act of physical abuse in the presence of a family or household member who is a minor under the age of fourteen a class C felony.

Research indicates that children exposed to domestic violence are more likely to experience difficulties in school and score lower on assessments of verbal, motor, and cognitive skills. Males exposed to domestic violence as children are more likely to engage in domestic violence as adults; similarly, females are more likely to be victims. Exposure to domestic violence is also one of the several adverse childhood experiences that have been shown to contribute to premature death, as well as contributing to the risk factors for many of the most common causes of death in the United States.

The Office of the Prosecuting Attorney of the County of Hawai'i supports the passage of House Bill No. 1993. Thank you for the opportunity to testify on this matter.

Respectfully,

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i



BERNARD P. CARVALHO, JR.
Mayor

NADINE K. NAKAMURA
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

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DARRYL D. PERRY
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dperry@kauai.gov

MICHAEL M. CONTRADES
Deputy Chief
mcontrades@kauai.gov

January 24, 2014

Representative Mele Carroll
Chairperson
Committee on Human Services
State Capitol
Conference Room 329
415 South Beretania Street
Honolulu, HI 96813

RE: SUPPORT FOR HOUSE BILL 1993
RELATING TO DOMESTIC VIOLENCE

Dear Chairperson Carroll:

I am writing in support of HB 1993, Relating to Domestic Violence. HB 1993 is essential for the safety of our children and will correctly hold offenders of domestic violence accountable for the pain and emotional torture endured by the children witnessing the physical abuse of a loved one.

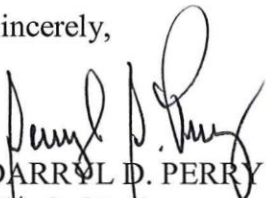
Studies show that 3-4 million children between the ages of 3-17 are at risk of exposure to domestic violence in the United States each year. Ninety-five percent of these cases involve women victims of male partners. The children of these women are often witness to the violence. In 2013, the Kauai Police Department responded to 397 Family Abuse calls, where physical violence had occurred with more than one-third being witnessed by children.

These are only the reported calls and many more children are being victimized on a daily basis. They are being forced to watch and endure violence on a regular basis. Children are affected by what they see. Children exposed to battering become fearful and anxious; they never feel safe and often feel powerless or worthless. Violence then becomes their "norm," and the circle of violence continues.

Chairperson Carroll
January 24, 2014
Page 2

We need to protect these innocent victims and HB 1993 is a step in the right direction and urge you and the committee to pass this legislation. Thank you for your attention and consideration of this very important matter.

Sincerely,



DARRYL D. PERRY
Chief of Police

eliminating racism empowering women

ywca

YWCA of Kauai
3094 Elua Street
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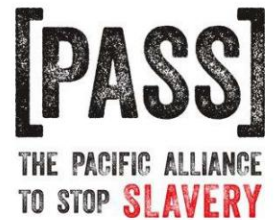
January 23, 2014

The YWCA of Kauai supports the passage of HB 1993 Anti Domestic Violence Legislation. We have provided crisis services, shelter, counseling, and treatment to the survivors and offenders of domestic violence for over 30 years. It is our belief and practice that accountability is a central component in healing individuals and families. Children are often present at the time of an incident of domestic violence and its impact can have devastating and long term effects. Research now verifies that the effects can be brain altering for children and greatly impact future capacity in school, social development, and their future employment relationships. We strongly encourage the passage of HB 1993.

Sincerely,

Rena Hamilton
Executive Director





January 24, 2014

COMMITTEE ON HUMAN SERVICES

Rep. Mele Carroll, Chair
Rep. Bertrand Kobayashi, Vice Chair
Rep. Della Au Belatti
Rep. Dee Morikawa
Rep. Richard Creagan
Rep. Marcus R. Oshiro
Rep. Mark J. Hashem
Rep. Justin H. Woodson
Rep. Jo Jordan
Rep. Beth Fukumoto

NOTICE OF HEARING

DATE: Tuesday, January 28, 2014

TIME: 9:30am

PLACE: Conference Room 329 State Capitol, 415 South Beretania Street

**RE: TESTIMONY IN STRONG SUPPORT OF HB1993
RELATING TO DOMESTIC VIOLENCE**

Aloha, Committee on Human Services:

The Pacific Alliance to Stop Slavery stands in strong support of this measure seeking to increase the penalty of the abuse of a household member if it occurs in the presence of a juvenile less than fourteen years of age. We strongly feel that domestic violence must be addressed severely as it is a significant problem in Hawaii. According to the Domestic Violence Action Center, there is one domestic violence related murder every month.

The penalties must fit the crimes and with domestic violence, we must both be proactive and swift in prosecuting violent offenders. Our lack of attention to this problem coupled with weak laws will only send messages to the public that domestic abuse is tolerated in Hawaii.

We must think about the environment within which our keiki grow up and ensure that their safety and protection against domestic violence is upheld along with their abused parents'. Please support and pass this legislation seeking to raise this offense to a Class C felony, when committed in front of a minor under fourteen years of age.

Sincerely,

Kathryn Xian
Executive Director



TO: Chair Mele Carroll
Vice Chair Bertrand Kobayashi
Members of the Committee

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

RE: H.B. 1993

Aloha. Please accept this testimony in support of H.B. 1993. There is ample evidence that violence occurring in the presence of children is traumatizing, and unfortunately is not uncommon. Perhaps with some deterrent consequences, perpetrators of domestic violence will be less likely to continue to cause harm to their family members.

At the very least, it is in the best interests of the community to hold perpetrators accountable for the violence they commit against their family members, former partners, or lovers and their children.

Thank you for advancing this Bill for continued support by your legislative colleagues.

HAWAII STATE COALITION AGAINST DOMESTIC VIOLENCE

Date: January 28, 2014

To: Representative Mele Carroll, Chair and Representative Bertrand Kobayashi, Vice Chair
Committee on Human Services

From: Marci Lopes, Board Chair

Re: HB 1993

Hearing Date and Time: Tuesday, January 28, 2014, 9:30 a.m.

Good morning Representative Carroll, Representative Kobayashi, and Committee members. The Hawaii State Coalition Against Domestic Violence appreciates the opportunity to submit testimony relating to Relating to Domestic Violence.

Hawaii State Coalition Against Domestic Violence supports holding domestic violence offenders accountable for committing physical abuse in the presence of any family or household member who is less than fourteen years of age. Children are often exposed to domestic violence and the impact can be devastating. It is necessary to hold offenders accountable for their actions that effect all of the household members, including minor children exposed to the abuse.

We appreciate your consideration of our testimony.

~ Together we can do amazing things ~



KAUAI
Chamber
of
Commerce

January 27, 2014

Honorable Representative Mele Carol, Chair,
House of Representatives, House Committee on Human Services
Vice Chair Bertrand Kobayashi & Members
Hawaii State Capitol – Room 329
Honolulu, Hawaii 96813

Dear Chair Carol and Members:

RE: HB 1993 Relating to Domestic Violence

Aloha! My name is Randy Francisco, and I am President/CEO of the Kauai Chamber of Commerce which comprises of ~450+ businesses and, 87%+ who are small businesses. I am writing this letter in **support of House Bill 1993.**

The Kauai Chamber of Commerce concurs with Kauai Prosecuting Attorney Justin Kollar, the law enforcement community, the Kauai Mayor's Crime Task Force and our business community regarding this important legislation. As I previously testified in support of HB 587 Relating to the Penal Code (2013 Legislative Session), I have endured living on a road the past few years where there is domestic violence occurring throughout the day, evening, night, weekday and weekend. Our neighborhood becomes victims as a result of the domestic violence taking place.

Having children especially witness and have to live through a domestic violence experience I can attest to is of even more compelling concern when a new cycle is bred into another generation. This must stop and this bill will help to address some of the concerns that translates from a family, into a neighborhood, and, to a workplace. We have seen to often in the media about this type of behavior which has devastated communities and families.

Making this crime a class C felony can only strengthen the existing law and thus change a generation.

To this end and to help bring an end to this violence, I humbly ask that you support this important legislation and continue to become a champion for many of those who become silent victims besides those who are actually living in violence, day in and day out. They live a façade at school, work, church, and, anywhere.

Mahalo for your time and most of all, consideration to help those who are victimized and who deserve justice.

Should I be of additional assistance, please do not hesitate to contact me at 245-7363.

Mahalo nui loa and Aloha,

Randall Francisco
President/CEO

kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 24, 2014 11:31 AM
To: HUS testimony
Cc: breaking-the-silence@hotmail.com
Subject: Submitted testimony for HB1993 on Jan 28, 2014 09:30AM

HB1993

Submitted on: 1/24/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments: Please support this measure to assist in the prevention of children having to witness and experience the lifelong traumatizing effects of domestic violence. While this legislation will not cure the problem its place in law may make an abuser think twice before striking out (and a second thought may be all it takes to stop an incident from occurring at all). Thank you for this opportunity to provide testimony in strong support of HB 1993.

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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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 24, 2014 11:43 AM
To: HUS testimony
Cc: mendezj@hawaii.edu
Subject: *Submitted testimony for HB1993 on Jan 28, 2014 09:30AM*

HB1993

Submitted on: 1/24/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez	Individual	Support	No

Comments:

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, January 23, 2014 9:37 PM
To: HUS testimony
Cc: typaguy@yahoo.com
Subject: Submitted testimony for HB1993 on Jan 28, 2014 09:30AM

HB1993

Submitted on: 1/23/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
joel Guy	Individual	Support	No

Comments: I stand in support of this bill, thank you legislature for your continued effort to create a safer home. With Aloha, Joel Guy

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Friday, January 24, 2014 5:55 PM
To: HUSstestimony
Cc: letsgo2hawaii@gmail.com
Subject: Submitted testimony for HB1993 on Jan 28, 2014 09:30AM

HB1993

Submitted on: 1/24/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Niki	Individual	Comments Only	No

Comments: Both my son and daughter attended public grammar school through high school in Hawaii. They were shocked from witnessing numerous incidents that involved physical violence starting in the kindergarten playground. These children who are physically violent are witnessing violence at home, grow up with adults who are physically abusive, and most likely become the same kind of adults too. It is what they learn from their home and they bring it to school with them; disrupting the classroom, education and acting out whether through bullying, drugs and vandalism. Please pass this bill to break the cycle of domestic violence so that every child has a chance at stability, love and education. This will benefit our society for future generations if we protect our keiki today.

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 2:37 PM
To: HUS testimony
Cc: mark.phillipson@syngenta.com
Subject: Submitted testimony for HB1993 on Jan 28, 2014 09:30AM

HB1993

Submitted on: 1/27/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Mark Phillipson	Individual	Support	No

Comments: i strongly support HB 1993. Domestic Abuse is a crime and cannot be tolerated. Our DAs need this law. Mahalo, Mark

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kobayashi1-Joni

From: mailinglist@capitol.hawaii.gov
Sent: Monday, January 27, 2014 11:37 AM
To: HUS testimony
Cc: bcompton@hawaii.edu
Subject: Submitted testimony for HB1993 on Jan 28, 2014 09:30AM

HB1993

Submitted on: 1/27/2014

Testimony for HUS on Jan 28, 2014 09:30AM in Conference Room 329

Submitted By	Organization	Testifier Position	Present at Hearing
Bethany	Individual	Support	No

Comments: The cycle of violence continues when adults introduce domestic violence to children. Bullying stems from children living in an unstable/abusive home, which teaches them to exhibit violence and hatred towards others. Ending the violence starts with our legislators acknowledging that this is an unacceptable social norm in our communities.

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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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE MELE CARROLL, CHAIR
HOUSE COMMITTEE ON HUMAN SERVICES
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i**

January 28, 2014

RE: H.B. 1993; RELATING TO DOMESTIC VIOLENCE.

Chair Carroll, Vice-Chair Kobayashi and members of the House Committee on Human Services, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in **support** of House Bill 1006.

The purpose of this bill is to establish a higher-level of offense for committing Abuse of a family or household member ("AFHM") in the presence of a minor under the age of 14; the offense would be a class C felony, one grade higher than the usual offense of AFHM, a full misdemeanor.

While anyone who witnesses an incident of AFHM would likely be emotionally affected, there is a common and well-established understanding that children are particularly impressionable, and do require additional protections to guard their safety and well-being in this regard. Just as the act of manufacturing drugs with a child present can have serious negative effects—and is thus subject to heightened penalties and provisions—a child's exposure to domestic violence can and often does lead to long-lasting emotional and/or developmental difficulties, and has even been linked to inter-generational criminality.

Currently, at least 14 U.S. states require higher penalties for committing domestic violence in the presence of a child, or consider it a separate offense that can be charged in addition or in the alternative. See https://www.childwelfare.gov/systemwide/laws_policies/statutes/witnessdv.pdf. Given society's growing understanding of the negative affects that domestic violence has on children who witness it, the Department feels this measure would more appropriately address and discourage such conduct.

For the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 1993. Thank you for this opportunity to testify on this matter.