

ALAN M. ARAKAWA
MAYOR

OUR REFERENCE
YOUR REFERENCE

POLICE DEPARTMENT

COUNTY OF MAUI

55 MAHALANI STREET
WAILUKU, HAWAII 96793
(808) 244-6400
FAX (808) 244-6411



GARY A. YABUTA
CHIEF OF POLICE

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

February 7, 2014

The Honorable Karl Rhoads, Chair
And Members of the Committee on Judiciary
House of Representatives
State Capitol
Honolulu, HI 96813

RE: House Bill No. 1993 – Relating to Domestic Violence

Dear Chair Rhoads and Members of the Committee:


The Maui Police Department supports the passing of HB 1993. This bill will 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.

This bill addresses the seriousness of domestic violence and the negative impact that it has on children who are exposed to these traumatic situations in their homes. It is a positive step towards ending the emotional effects of domestic violence from generation to generation by helping to deter exposure of these violent acts away from children.

The Maui Police Department again supports the passage of HB 1993.

Thank you for the opportunity to testify.

Sincerely,


for GARY A. YABUTA
Chief of Police



BERNARD P. CARVALHO, JR.
Mayor

NADINE K. NAKAMURA
Managing Director

POLICE DEPARTMENT COUNTY OF KAUAI

3990 KAANA STREET, SUITE 200
LIHUE, HAWAII 96766-1268
TELEPHONE (808) 241-1600
FAX (808) 241-1604
www.kauaipd.org



DARRYL D. PERRY
Chief of Police
dperry@kauai.gov

MICHAEL M. CONTRADES
Deputy Chief
mcontrades@kauai.gov

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

Darryl D. Perry, Chief of Police
County of Kauai

House Committee on Judiciary
February 11, 2014

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

The Kauai Police Department supports HB 1993—Relating To Domestic Violence.

Oftentimes, the collateral mental health damage to children who are witnesses to domestic violence translates to future generations of victims and abusers.

To stop this cycle, it is imperative that the abuser be compelled to obtain counseling and treatment. With the passage of HB 1993, we have an opportunity to make this possible.

Thank you for the opportunity to provide testimony.

Sincerely,

DARRYL D. PERRY
Chief of Police

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

3990 Ka'ana Street, Suite 210, Lihue, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

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 Judiciary
February 11, 2014**

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

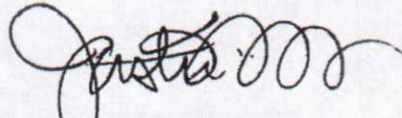
The County of Kauai, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS HB 1993 – RELATING TO DOMESTIC VIOLENCE**. This bill enhances the available sanctions for individuals who commit domestic abuse in the presence of a juvenile under the age of 14. Notably, the probation period for a convicted 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", with a stylized flourish at the end.

Justin F. Kollar
Prosecuting Attorney

HB1993

Submitted on: 2/8/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

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

Comments: Please support!!! Thank you!

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

TESTIMONY FOR HOUSE BILL 1993, RELATING TO DOMESTIC VIOLENCE

TO: Representative Karl Rhoads, Chair
Representative Sharon Har, Vice Chair
Members of the House Committee on Judiciary

RE: HB 1993 Relating to Domestic Violence

HEARING DATE: Tuesday, February 11, 2014, 2:00PM
House conference room 325

As a concerned citizen, I am thankful for the opportunity to submit testimony in support of HB 1993, which would 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.

Children exposed to domestic violence at a young age can negatively impact their development. Making sure offenders are given adequate treatment and supervision for a sustained period of time will encourage a decrease in recidivism.

In closing, I want to reiterate my support of HB 1993 and its contribution to making a more decent society.

Thank You,
Lauren Gurat
lwoo@hawaii.edu



LATE

**Office of the Public Defender
State of Hawaii**

Timothy Ho, Chief Deputy Public Defender



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 11, 2014, 2:00 p.m.

H.B. No. 1993: RELATING TO DOMESTIC VIOLENCE

Chair Rhoads and Members of the Committee:

This measure would make the commission of an abuse of family or household member in the presence of a family member under the age of fourteen a class C Felony.

The Office of the Public Defender opposes H.B. 2034.

The legislature has recognized the fact that criminal offenses that occur within the family unit deserve special attention. A person convicted of misdemeanor abuse of family or household member faces a mandatory jail term and a referral to a domestic violence intervention program. A third offense within two years is charged as a class C felony.

If the offense is committed in the presence of children, the court has the discretion to impose a lengthier jail term. Family Court judges are aware of the impact that domestic violence has on children, and take that fact into account in their disposition of the cases before them. A vast majority of these cases occur at home, where discussions about family matters normally take place. A large percentage of these cases involve children, are about children and take place in front of children. If this measure is enacted into law, and every eligible case is prosecuted as a class C felony, there will be court congestion at the circuit court division, where these cases will be tried, and more harm to the family unit as a result.

The circuit court, which has jurisdiction over felony cases, will not be equipped to handle the influx of cases that would be transferred over from the family court. These cases will not be given the priority that they are currently being given in the family court, where they are presided over by judges who specialize in family or household abuse cases.

The increased penalty will mean more pretrial incarceration, with higher bail requirements. As a result of the pretrial incarceration, more people will lose jobs, which will result in a substantial financial hardship to most families. This will result in a chilling effect on the reporting of abuse, as some victims may have second thoughts about reporting their family member to the police knowing that the charge is a class C felony.

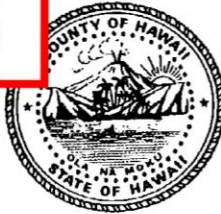
Many couples choose remain together as a family unit, even after an instance of domestic violence. We believe the courts should be allowed to exercise its discretion to treat each case individually, in the best interest of the family unit. We also believe that measure does take into account that some cases involve siblings fighting with each other, where one or both parties are under the age of fourteen. Should a minor be prosecuted for a class C felony for fighting with a sibling under the age of fourteen?

The Office of the Public Defender strongly opposes this measure. Thank you for the opportunity to be heard on this matter.

MITCHELL D. ROTH
PROSECUTING ATTORNEY

DALE A. ROSS
FIRST DEPUTY
PROSECUTING ATTORNEY

LATE



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKI'I ST, SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT OF HOUSE BILL 1993

A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE

HOUSE COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair

Rep. Sharon E. Har, Vice Chair

Tuesday, February 11, 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. 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,

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

Mitchell D. Roth
Prosecuting Attorney
County of Hawai'i

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



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

February 11, 2014

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

Chair Rhoads, Vice-Chair Har and members of the House Committee on Judiciary, 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.

HB1993

Submitted on: 2/10/2014

Testimony for JUD on February 11, 2014 1:00 pm in Conference Room 325

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
Randall Francisco	Kauai Chamber of Commerce	Support	No

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

LATE

[PASS]
THE PACIFIC ALLIANCE
TO STOP **SLAVERY**

February 10, 2014

COMMITTEE ON JUDICIARY

Rep. Karl Rhoads, Chair
Rep. Sharon Har, Vice Chair
Rep. Della Au Belatti
Rep. Mark M. Nakashima
Rep. Tom Brower
Rep. Clift Tsuji
Rep. Richard Creagan
Rep. Jessica Wooley
Rep. Ken Ito
Rep. Bob McDermott
Rep. Derek S.K. Kawakami
Rep. Cynthia Thielen
Rep. Chris Lee

NOTICE OF HEARING

DATE: Tuesday, February 11, 2014

TIME: 2:00pm

PLACE: Conference Room 325 State Capitol, 415 South Beretania Street

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

Aloha, Committee on Judiciary:

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

LATE

HB1993

Submitted on: 2/10/2014

Testimony for JUD on Feb 11, 2014 14:00PM in Conference Room 325

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

Comments: Thank you Chair Rhoads and members of the committee for allowing testimony, and thank you for hearing this bill. I humbly ask you to pass this bill out of committee. HB 1993 would strengthen current law to help protect our children from experiencing the nightmares of domestic abuse. Thank you, Joel Guy, Kauai

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.

Do not reply to this email. This inbox is not monitored. For assistance please email webmaster@capitol.hawaii.gov

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

3990 Ka'ana Street, Suite 210, Lihue, Hawai'i 96766

808-241-1888 ~ FAX 808-241-1758

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 Judiciary
February 11, 2014

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

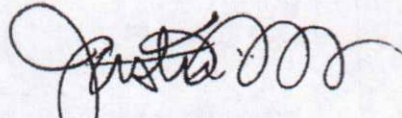
The County of Kauai, Office of the Prosecuting Attorney, **STRONGLY SUPPORTS HB 1993 – RELATING TO DOMESTIC VIOLENCE**. This bill enhances the available sanctions for individuals who commit domestic abuse in the presence of a juvenile under the age of 14. Notably, the probation period for a convicted 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 stylized with loops and flourishes.

Justin F. Kollar
Prosecuting Attorney