

HB1993

LATE

TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai'i

March 19, 2014

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

Chair Hee, Vice-Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of House Bill 1993.

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 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.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: bcompton@hawaii.edu
Subject: Submitted testimony for HB1993 on Mar 19, 2014 10:00AM
Date: Tuesday, March 18, 2014 12:33:39 PM

HB1993

Submitted on: 3/18/2014

Testimony for JDL on Mar 19, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Bethany Compton	Kaua'i Against Domestic Violence Taskforce	Support	No

Comments: On behalf of the Kauai Against Domestic Violence Taskforce and myself, we are in support of HB 1993 and request passage of this bill to further prevent domestic violence in the state of Hawai'i. This bill will continue to protect children for generations and help eliminate domestic violence as a defined cultural norm in our communities. Mahalo for your consideration, Bethany Compton YWCA Board Member -Kauai Kauai Against Domestic Violence Task Force- Legislative Chairwoman

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

Kelsi Hashimoto

House Committee on Judiciary
March 17, 2014

My name is Kelsi Hashimoto and I am a student in the University of Hawai'i at Manoa School of Social Work program. Because I understand the harm and damage that can be done when children are exposed to domestic violence, I am in support of HB 1993, Relating to Domestic Violence. The psychological effects could be damaging to a minor's development when they are witness to domestic violence, even when they are not the ones being directly abused physically. Psychological damage may lead to their own acts of violent behavior, poor self esteem, trouble in school or with peers, poor choices in future spouses, higher rates of drug and alcohol use and/or abuse, and so on. These are all elements that put a strain on the minor, on our families, our communities, and our society.

According to the written testimony by the Prosecuting Attorney of Maui, it is said that studies reveal that when children witness domestic violence, the results may be severe emotional and developmental difficulties that are similar to those of children who are victims of direct abuse. Growing up here on Oahu, I was exposed to domestic violence and understand how this had an effect on my own life. It is added stress on a child, and can cause great fear and anxiety that can have lasting effects into adulthood. I believe that no child should be exposed to domestic violence. According to one source, theft of property worth more than \$300 is an example of a class C felony. Protecting the mental health of our children of Hawai'i is worth far more than the price of any material item. With a longer probation period and longer treatment

and counseling provided to the abuser, the safety of Hawaii's children will be better ensured, with the hopes of reconciliation and healing of that family.

I STRONGLY SUPPORT the passage of this bill and ask that the committee PASS HB 1993. Thank you kindly for the opportunity to provide my testimony on this bill.

Kelsi Hashimoto

Maria Doctolero

P.O. Box 77 Waimanalo HI 96795

mezd@hawaii.edu

March 18, 2014

To: Senator Clayton Hee, Chair

Senator Maile S.L. Shimabukuro, Vice Chair

From: Maria Doctolero

RE: HB 1993, Relating to Domestic Violence – SUPPORT

Chair, Vice-Chair, and members of the Senate/House Committee on Judiciary and Labor, I am testifying in support of HB 1993.

Aloha, my name is Maria Doctolero. I am a student at Myron B. Thompson School for Social Work at UH Manoa. I support HB 1993 because domestic violence should not happen to anybody but it does. Domestic violence by a family or household member is a major social problem in our society. Family members who witness abuse and/or are abused suffer both emotionally and physically. Their self-esteem is shattered, they are ashamed of the abuser, and their psychosocial functioning might be impaired according to Kolburn & Orlygsdottir (2008). Often times, police officers are called for domestic violence at a home but come out with no arrest due to not having enough evidence. Implementing this law will help those that deal with domestic violence to make it easier for the victims of abuse to get protection through the legal system.

I urge your favorable consideration of HB 1993.

Thank you for this opportunity to testify.

Sincerely,

Maria Doctolero

In Support of HB1993, I would like to say;

I am a survivor of domestic violence, and I have 2 children who witnessed their mother be hit, kicked, smacked, punched, slammed into walls, doors, the floor. They had to hear me be raped, slapped, called names. My children saw me be weak, cry, hurt.

I am one of the lucky ones, I was able to get out, but the abuse that I suffered and my children witnessed, lives on in their memories, my son, because of the abuse he witnessed (and was made to continue to witness when he had to go to the abusers house for visitations), left him an angry young man, He has had trouble learning how to handle relationships, with women and with his own children as well as with his sister,. His relationship with me is not that great either.

My daughter, she is also lucky, she did have a few bad choice relationships, but was able to recognize the signs early on and get out. She has also married a nice young man, who has been a good husband and a wonderful father to their daughter.

But If they had not had to witness the abuse, and suffer abuse themselves from the same man, I was not the only one who was hit, my son also suffered physical abuse from this man, my daughter was never hit, he just mentally abused her, by telling her that she was worthless, and stupid, he even tried to have her put in special classes in school, but thank the Lord, the school tests proved him wrong, and they did not move her.

I am just one person, but I have known many other women who have a story similar to mine, and in a lot of cases, worse than mine. We need HB1993 to pass so that when someone else gets hit, kicked, raped, and their children are listening, are in the room, the abuser will get a harsher punishment and maybe more women will get help, and the children will get out of the situation and get help to see a better way of life.

It is not fun to be on the receiving end of abuse. Please Pass, HB1993.

Thank You

C.R.

Lihue, Hi 96766

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Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Support	No

Comments:

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