

SB 2025

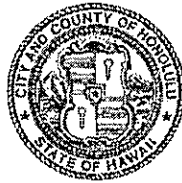
RELATING TO THE PENAL CODE

Requires a police officer to make reasonable inquiry of the victimized family member and witnesses, if applicable, and order a person to leave the premises for a no-contact period of forty-eight hours.

PSM, JDL

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu.org

NIRK CALDWELL
MAYOR



LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. McCAULEY
DEPUTY CHIEFS

OUR REFERENCE LL-AUL/IN

January 28, 2014

The Honorable Will Espero, Chair
and Members
Committee on Public Safety, Intergovernmental
and Military Affairs
State Senate
State Capitol, Room 231
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Espero and Members:

Subject: Senate Bill 2025, Relating to the Penal Code

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


The HPD opposes Senate Bill 2025. Senate Bill 2025, in its current form, would restrict the HPD from taking into account all the facts of an incident and making a reasonable assessment to issue a 48-hour stay away order.

Senate Bill 2025 is worded that the HPD "shall" issue a 48-hour stay away order in all cases where abuse or harm occurred regardless of when the abuse or harm occurred. It also removes the preamble of section 4(b) that refers to the person who is to be removed from the dwelling.

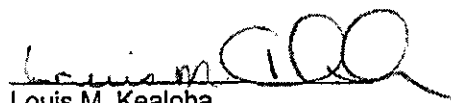
The HPD requests that your committee oppose the passage of Senate Bill 2025.

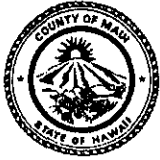
Thank you for the opportunity to testify.

Sincerely,


LARRY LAWSON, Acting Major
District 2

APPROVED BY:


Louis M. Kealoha
Chief of Police



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

January 27, 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: SB No. 2025 – RELATING TO THE PENAL CODE

Dear Chair Espero and Members of the Committee:

The Maui Police Department supports SB No. 2025, with reservations. This bill requires police officers to make reasonable inquiry of family or household members upon whom the officer believes physical abuse or harm has been inflicted, and lawfully shall order the person to leave the premises for a period of 48 hours.

While the Maui Police Department supports the premises of increasing the no-contact period to 48 hours for the protection of abuse victims, we would like the 48-hour period to be further clarified.

According to the current version of this bill, when an incident occurs on any Saturday, Sunday, or legal holiday, the 48-hour period shall be enlarged and extended until 4:30 p.m. on the first day following the weekend or legal holiday.

If a person is issued a warning citation on a Sunday, this would suggest that the warning citation would expire on Monday at 4:30 p.m., and would not provide the full 48-hour protection for victims. A warning citation issued to a person on a holiday, which falls on a day not adjacent to a weekend would also fall into a similar situation.

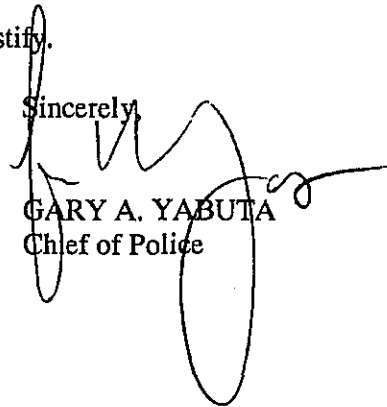
The Maui Police Department suggest that the bill be revised to state that, if the incident occurs after 12:00 p.m on Friday, or on any Saturday, Sunday or legal holiday, the 48-hour period shall be enlarged and extended until 4:30 p.m. on the second day following the weekend or legal holiday.

The Honorable Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
January 27, 2014
Page 2

The Maui Police Department is in support of SB No. 2025 with the stated reservations.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read 'Gary A. Yabuta', with a large, stylized flourish extending to the right.

GARY A. YABUTA
Chief of Police