

# LATE TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY  
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**THE HONORABLE WILL ESPERO, CHAIR**  
**SENATE COMMITTEE ON PUBLIC SAFETY, INTERGOVERNMENTAL AND**  
**MILITARY AFFAIRS**  
**Twenty-Seventh State Legislature**  
**Regular Session of 2014**  
**State of Hawai'i**

January 28, 2014

**RE: S.B. 2025; RELATING TO PENAL CODE.**

Chair Espero, Vice-Chair Baker and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following comments expressing our concerns on Senate Bill 2025.

The current law under section 709-906 of the Hawaii Revised Statutes is sufficient in regards to the process in which the police follow in order to proceed with a forty-eight hour no-contact order where the officer has reasonable grounds to believe that there was physical abuse or harm inflicted by one person upon a family or household member.

Senate Bill 2025 deletes the language "where the officer has reasonable grounds to believe that there was physical abuse or harm inflicted by one person upon a family or household member." The police should have reasonable grounds that there was abuse in order to proceed with a forty-eight hour no-contact order on the offender. Without such language, the police will have greater latitude in using this enforcement power that could result in liability issues and cases being overturned by the higher courts. Further, the police should be given discretion in administering this law.

Thank you hearing our concerns on this matter for Senate Bill 2025.