

SB 2401

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

Extends the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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KEITH M. KANESHIRO
PROSECUTING ATTORNEY

ARMINA A. CHING
FIRST DEPUTY PROSECUTING ATTORNEY



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

February 4, 2014

RE: S.B. 2401; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

Chair Espero, Vice Chair Baker, and members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs, the Department of the Prosecuting Attorney, City and County of Honolulu, submits the following testimony in support of S.B. 2401

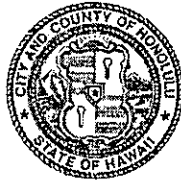
S.B. 2401 extends the period of separation that a police officer can order a person under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

The intent of having the 48-hour period of separation is to keep the abuser away from the victim and give the victim time to get a restraining order and safe shelter. Currently, if an abuse happens over the weekend or holiday, all government agencies and many private organizations are closed while the clock is ticking away. This measure will give the time needed for victims to get help and legal protection.

For all of the reasons stated above, the Department of the Prosecuting Attorney of the City and County of Honolulu supports S.B. 2401. Thank for you the opportunity to testify on this matter.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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KIRK W. CALDWELL
MAYOR

LOUIS M. KEALOHA
CHIEF

DAVE M. KAJIHIRO
MARIE A. MCCAULEY
DEPUTY CHIEFS

OUR REFERENCE LL-AUL/IN

February 4, 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 2401, Relating to Abuse of Family or Household Member

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

The HPD supports Senate Bill 2401, which increases the order to leave time period if the order expires on a Saturday, Sunday, or legal holiday to the second business day following such expiration.

The HPD believes increasing the time period will allow those who are victims of abuse to seek shelter or orders for protection for themselves or their families after such orders to leave are issued.

The HPD requests that your committee support the passage of Senate Bill 2401.

Thank you for the opportunity to testify.

Sincerely,

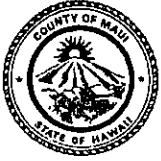
A handwritten signature in black ink that reads "Larry Lawson".

Larry Lawson, Acting Major
District 2

APPROVED BY:

A handwritten signature in black ink that reads "Louis M. Kealoha".

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

February 3, 2014

The Honorable Senator Will Espero, Chair
And Members of the Committee on Public Safety,
Intergovernmental and Military Affairs
The Senate
State Capitol
Honolulu, HI 96813

RE: Senate Bill No. 2401 – Relating to Abuse of Family or Household Member

Dear Chair Espero and Members of the Committee:


The Maui Police Department is in support of SB No. 2401. This extends the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

The Maui Police Department is in support of this bill as it clarifies the current law. This change also allows victims more time to seek temporary restraining orders for the protection of themselves and their family members.

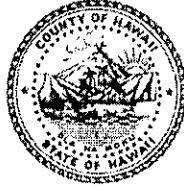
The Maui Police Department asks for your support for S.B. No. 2401.

Thank you for the opportunity to testify.

Sincerely,

For 
GARY A. YABUTA
Chief of Police

DENNIS "FRESH" ONISHI
Council Member
District 3



PHONE: (808) 961-8396
FAX: (808) 961-8912
EMAIL: donishi@co.hawaii.hi.us

HAWAI'I COUNTY COUNCIL
25 Aupuni Street, Hilo, Hawai'i 96720

January 31, 2014

The Honorable Will Espero, Chair
and Members of the Committee on Public Safety,
Intergovernmental and Military Affairs

Dear Senator Espero and Members of the Committee,

Thank you for the opportunity to provide testimony in support of Senate Bill 2401.

This bill will help victims of domestic violence by extending the separation period, which will give them more time and allow them to contact the services and resources they need.

People caught in such situations may need more time than is currently allowed under the law. They may have to contact an emergency shelter, meet with police, make arrangements with other family members or need more time away from their abusers.

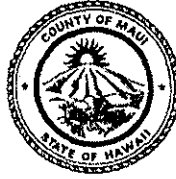
It may also be good for the abuser too, in that it will give that person more time to "cool off" and reflect on his or her actions.

Please recommend approval of this bill.

Sincerely,

Dennis "Fresh" Onishi
Hawai'i County Council Member

ALAN M. ARAKAWA
Mayor



JOHN D. KIM
Prosecuting Attorney
ROBERT D. RIVERA
First Deputy Prosecuting Attorney

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COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
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CONTACT: RICHARD. K. MINATOYA
Deputy Prosecuting Attorney
Supervisor, Appellate, Asset Forfeiture and Administrative Services Division

TESTIMONY
ON
SB 2401 - RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER
February 4, 2014

The Honorable Will Espero
Chair
The Honorable Rosalyn H. Baker
Vice Chair
and Members of the Senate Committee on Public Safety, Intergovernmental and Military Affairs

Chair Espero, Vice Chair Baker and Members of the Committee:

The Department of the Prosecuting Attorney, County of Maui, SUPPORTS SB 2401, Relating to Abuse of Family or Household Member. SB 2401 will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

Last year, the Legislature passed Act 251, which among other things, requires that a police officer issue a stay away order if the officer has reasonable belief that there is probably danger of further abuse, and the stay away order was extended to 48-hours from 24-hours. It is presumed that the time extension was made to allow victims two business days to obtain a restraining order. However, Act 251 did not amend the provision regarding after close of business on a Friday, or Saturdays, Sundays and Holidays. Currently, if the stay away order is issued during those times, the stay away order ends at the close of business on the first work day following the weekend or holiday. Thus, victims do not have two full workdays to go through the process of obtaining restraining orders.

Furthermore, the weekend/holiday omission is causing confusion among police officers. They have to issue a 48-hour order on weekdays, but in the case of a Sunday or a holiday with a work day following, the stay away order may be less than 24-hours. This bill will correct this problem, so that it is clear that a victim will receive to full workdays to obtain a restraining order.

Accordingly, the Department of the Prosecuting Attorney, County of Maui, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2401.

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
S.B. NO. 2401
RELATING TO ABUSE OF A FAMILY OR HOUSEHOLD MEMBER**

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

**Senate Committee on Public Safety, Intergovernmental and Military
Affairs**

February 4, 2013

**The Honorable Will Espero
Chair**

**The Honorable Rosalyn H. Baker
Vice Chair**

**and Members of the Senate Committee on Public Safety,
Intergovernmental and Military Affairs**

Chair Espero, Vice Chair Baker and Members of the Committee:

The Office of the Prosecuting Attorney, County of Kauai, SUPPORTS SB 2401, Relating to Abuse of Family or Household Member. SB 2401 will extend the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

Last year, the Legislature passed Act 251, which among other things, requires that a police officer issue a stay away order if the officer has reasonable belief that there is probably danger of further abuse, and the stay away order was extended to 48-hours from 24-hours. It is presumed that the time extension was made to allow victims two business days to obtain a restraining order.

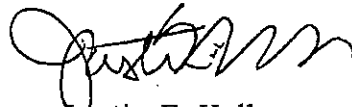
However, Act 251 did not amend the provision regarding after close of business on a Friday, or Saturdays, Sundays and Holidays.

Currently, if the stay away order is issued during those times, the stay away order ends at the close of business on the first work day following the weekend or holiday. Thus, victims do not have two full workdays to go through the process of obtaining restraining orders. Furthermore, the weekend/holiday omission is causing confusion among police officers. They have to issue a 48-hour order on weekdays, but in the case of a Sunday or a holiday with a work day following, the stay away order may be less than 24-hours. This bill will correct this problem, so that it is clear that a victim will receive to full workdays to obtain a restraining order.

Accordingly, the Office of the Prosecuting Attorney, County of Kauai, SUPPORTS the passage of this bill. We ask that the committee PASS SB 2401.

Thank you for the opportunity to testify on this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Justin F. Kollar". The signature is fluid and cursive, with a large initial "J" and "K".

Justin F. Kollar
Prosecuting Attorney
County of Kaua'i