

JAN 27 2016

A BILL FOR AN ACT

RELATING TO DOMESTIC VIOLENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 586-5, Hawaii Revised Statutes, is
2 amended by amending subsection (a) to read as follows:

3 "(a) [A] Except as provided in section 586-5.5(b), a
4 temporary restraining order granted pursuant to this chapter
5 shall remain in effect at the discretion of the court, for a
6 period not to exceed one hundred eighty days from the date the
7 order is granted or until the effective date, as defined in
8 section 586-5.6, of a protective order issued by the court,
9 whichever occurs first."

10 SECTION 2. Section 586-5.5, Hawaii Revised Statutes, is
11 amended by amending subsection (b) to read as follows:

12 "(b) A protective order may be extended for such further
13 fixed reasonable period as the court deems appropriate. Upon
14 application by a person or agency capable of petitioning under
15 section 586-3, the court shall ~~[hold a hearing to determine~~
16 ~~whether the protective order should be extended. In making a~~
17 ~~determination, the court shall consider evidence of abuse and~~



1 ~~threats of abuse that occurred prior to the initial restraining~~
2 ~~order and whether good cause exists to extend the protective~~
3 ~~order.]~~, authorize, without a hearing, an extension of the
4 protective order for the amount of time requested in the
5 application up to a maximum of twenty-four months.

6 The extended protective order may include all orders stated
7 in the preceding restraining order and may provide such further
8 relief as the court deems necessary to prevent domestic abuse or
9 a recurrence of abuse, including orders establishing temporary
10 visitation and custody with regard to minor children of the
11 parties and orders to either or both parties to participate in
12 domestic violence intervention services. The court may
13 terminate the extended protective order at any time with the
14 mutual consent of the parties."

15 SECTION 3. This Act does not affect rights and duties that
16 matured, penalties that were incurred, and proceedings that were
17 begun before its effective date.

18 SECTION 4. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

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S.B. NO. 3060

1 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 3060

Report Title:

Domestic Violence; Temporary Restraining Order; Extension

Description:

Requires the court, without a hearing, to grant an extension of a temporary protective order for up to twenty-four months when an authorized party applies for an extension.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

