

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) It shall be unlawful for any person, singly or in  
5 concert, to physically abuse a family or household member or to  
6 refuse compliance with the lawful order of a police officer  
7 under subsection (4). The police, in investigating any  
8 complaint of abuse of a family or household member, upon  
9 request, may transport the abused person to a hospital or safe  
10 shelter.

11 For the purposes of this section [~~,"family"]:~~

12 "Business day" means any calendar day, except Saturday,  
13 Sunday, or any state holiday.

14 "Family or household member" means spouses or reciprocal  
15 beneficiaries, former spouses or reciprocal beneficiaries,  
16 persons in a dating relationship as defined under section 586-1,  
17 persons who have a child in common, parents, children, persons



1 related by consanguinity, and persons jointly residing or  
2 formerly residing in the same dwelling unit."

3 2. By amending subsection (4) to read:

4 "(4) Any police officer, with or without a warrant, shall  
5 take the following course of action, regardless of whether the  
6 physical abuse or harm occurred in the officer's presence:

7 (a) The police officer shall make reasonable inquiry of  
8 the family or household member upon whom the officer  
9 believes physical abuse or harm has been inflicted and  
10 other witnesses as there may be;

11 (b) The police officer lawfully shall order the person who  
12 the police officer reasonably believes to have  
13 inflicted the abuse to leave the premises for a period  
14 of separation [~~of forty-eight hours~~], during which  
15 time the person shall not initiate any contact, either  
16 by telephone or in person, with the family or  
17 household member; provided that the person is allowed  
18 to enter the premises with police escort to collect  
19 any necessary personal effects[+]. The period of  
20 separation shall commence when the order is issued and



1           shall expire at 6:00 p.m. on the second business day  
2           following the day the order was issued;

3       ~~[(e) When the incident occurs after 12:00 p.m. on any~~  
4       ~~Friday, or on any Saturday, Sunday, or legal holiday,~~  
5       ~~the order to leave the premises and to initiate no~~  
6       ~~further contact shall commence immediately and be in~~  
7       ~~full force, but the forty-eight hour period shall be~~  
8       ~~enlarged and extended until 4:30 p.m. on the first day~~  
9       ~~following the weekend or legal holiday;~~

10       ~~(d)]~~ (c) All persons who are ordered to leave as stated  
11       above shall be given a written warning citation  
12       stating the date, time, and location of the warning  
13       and stating the penalties for violating the warning.  
14       A copy of the warning citation shall be retained by  
15       the police officer and attached to a written report  
16       which shall be submitted in all cases. A third copy  
17       of the warning citation shall be given to the abused  
18       person;

19       ~~[(e)]~~ (d) If the person so ordered refuses to comply with  
20       the order to leave the premises or returns to the  
21       premises before the expiration of the period of



1 separation, or if the person so ordered initiates any  
 2 contact with the abused person, the person shall be  
 3 placed under arrest for the purpose of preventing  
 4 further physical abuse or harm to the family or  
 5 household member; and

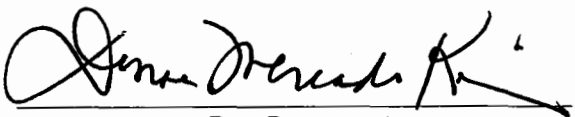
6 ~~(f)~~ (e) The police officer shall seize all firearms and  
 7 ammunition that the police officer has reasonable  
 8 grounds to believe were used or threatened to be used  
 9 in the commission of an offense under this section."

10 SECTION 2. This Act does not affect rights and duties that  
 11 matured, penalties that were incurred, and proceedings that were  
 12 begun before its effective date.

13 SECTION 3. Statutory material to be repealed is bracketed  
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:   
 By Request



# S.B. NO. 405

**Report Title:**

HSAC Package; Abuse of Family or Household Member; Period of Separation

**Description:**

Requires period of separation to commence upon issuance of officer's order and end at 6:00 p.m. on the second business day following the issuance of the order.

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

