

Honolulu, Hawaii

April 28, 2016

RE: H.B. No. 1517
H.D. 1
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 1517, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to provide that the commission of certain offenses of assault, sexual assault, and abuse of a family or household member in the presence of a minor is an aggravating factor to be considered in the sentencing of the defendant convicted of the offense.

Your Committee finds that several states, including Arkansas, Idaho, Minnesota, Montana, New Jersey, Oregon, and Utah, elevate the offense or sentencing for various crimes that are committed in the presence of minors.



Your Committee also finds that research has shown that children who witness assault or domestic violence can suffer severe emotional and developmental difficulties that are similar to those of children who are victims of direct physical and mental abuse. By broadening the application of the aggravating factor considered by the courts when sentencing defendants convicted of committing certain crimes in the presence of a minor pursuant to section 706-606.4, Hawaii Revised Statutes, to include the commission of assault and sexual assault offenses regardless of the pre-existing legal relationship between the defendant and the victim or the child, this measure recognizes the impact that witnessing an assault has on a child. The use of the aggravating factor for sentencing does not elevate the seriousness of the offense charged.

Your Committee on Conference has amended this measure by making it effective upon approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 1517, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 1517, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE



GILBERT S.C. KEITH-AGABAN,
Chair

ON THE PART OF THE HOUSE



KARL RHOADS, Chair



