

Honolulu, Hawaii

APR 04 2016

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

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

Sir:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1517, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose and intent of this measure is to provide that the
commission of certain offenses of assault in the presence of the
victim's minor child is an aggravating factor that the court is
required to consider, along with other factors under section
706-606, Hawaii Revised Statutes, in the sentencing of the
defendant convicted of the offense.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu; and two individuals.

Your Committee 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 creating an aggravating factor for the court to consider when
sentencing a defendant convicted of certain assault offenses
committed in the presence of the victim's child, this measure
recognizes the impact that witnessing an assault has on a child.

Your Committee notes the testimony submitted by the
Department of the Prosecuting Attorney of the City and County of



Honolulu that this measure is substantially similar to section 706-606.4, Hawaii Revised Statutes (HRS), relating to the sentencing of offenses involving abuse of family or household member committed in the presence of a minor. The Department raised concerns that duplicative sentencing statutes may cause unnecessary confusion.

Accordingly, your Committee has amended this measure by adopting the suggestion made by the Department of the Prosecuting Attorney of the City and County of Honolulu to delete its contents and insert the contents of S.B. No. 2247, S.D. 1 (Regular Session of 2016), a substantially similar measure, that:

- (1) Broadens section 706-606.4, HRS, to make the commission of certain offenses of assault, sexual assault, and abuse of a family or household member in the presence of a minor an aggravating factor to be considered in the sentencing of the defendant convicted of the offense; and
- (2) Has an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1517, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1517, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1517 HD1	Committee Referral: JDL	Date: 3/28/16		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.	/			
SLOM, Sam	/			
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 2em; margin-top: 10px;">Maile</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes