

STAND. COM. REP. NO.

2077

Honolulu, Hawaii

FEB 09 2016

RE: S.B. No. 2314  
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  
S.B. No. 2314 entitled:

"A BILL FOR AN ACT RELATING TO THE OFFENSE OF ABUSE OF FAMILY  
OR HOUSEHOLD MEMBERS,"

begs leave to report as follows:

The purpose and intent of this measure is to make a person  
ineligible for a deferred acceptance of guilty plea or nolo  
contendere plea in cases where the person was originally charged  
with the offense of abuse of a family or household member and the  
charge is subsequently reduced to a lesser included offense.

Your Committee received testimony in support of this measure  
from the Department of the Prosecuting Attorney, County of Maui;  
Hawaii State Coalition Against Domestic Violence; Domestic  
Violence Action Center; League of Women Voters of Hawaii; and  
Hawaii Women's Coalition. Your Committee received testimony in  
opposition to this measure from the Office of the Public Defender;  
Department of the Prosecuting Attorney, City and County of  
Honolulu; and Office of the Prosecuting Attorney, County of Kauai.  
Your Committee received comments on this measure from the  
Judiciary.

Your Committee finds that defendants charged with the offense  
of abuse of a family or household member are not eligible for a  
deferred acceptance of guilty plea or deferred acceptance of nolo  
contendere plea. However, defendants originally charged with this  
offense have the option of pleading to a lesser included offense,

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such as assault or harassment that does not involve a family or household member. As a result, defendants are eligible for a deferred acceptance of guilty plea or deferred acceptance of nolo contendere plea. This measure prohibits defendants from pleading to a lesser included offense of the offense of abuse of a family or household member to ensure that perpetrators of domestic abuse are held accountable for their actions.

Your Committee notes the concerns raised by the Department of the Prosecuting Attorney of the City and County of Honolulu that this measure may strain existing judicial resources to maintain an adequate domestic abuse jury trial docket. Your Committee further notes that the Judiciary, which currently provides only two courtrooms capable of handling a maximum of two jury trials per week, would require additional resources if this measure is enacted. Accordingly, your Committee has requested information from the Department of the Prosecuting Attorney of the City and County of Honolulu regarding the number of instances in which the original charge of abuse of a family or household member was pled to a lesser included offense and granted a deferred acceptance plea.

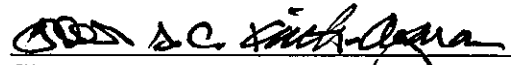
Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2314, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2314, 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,

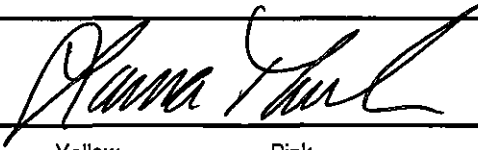


GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
Twenty-Eighth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 2314</b>	Committee Referral: <b>JDL</b>	Date: <b>2/1/16</b>		
<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)	<b>X</b>			
SHIMABUKURO, Maile S.L. (VC)				<b>✓</b>
GABBARD, Mike	<b>X</b>			
<b>[REDACTED]</b>				
KIM, Donna Mercado	<b>X</b>			
THIELEN, Laura H.	<b>X</b>			
SLOM, Sam	<b>X</b>			
<b>TOTAL</b>	<b>5</b>			<b>1</b>
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: 1.2em; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes