

JAN 18 2019

A BILL FOR AN ACT

RELATING TO EDUCATION.

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

1 SECTION 1. Section 302A-1133.5, Hawaii Revised Statutes,
2 is amended by amending subsection (b) to read as follows:

3 " (b) ~~[The failure of a student to meet the requirements~~
4 ~~for regular attendance and punctuality shall subject the~~
5 ~~student's parent, parents, or guardian to the penalties provided~~
6 ~~in section 302A-1135.]~~ Destruction of school property by a
7 student, in addition to all other legal action that may be
8 taken, shall subject the student's parent, parents, or guardian
9 to proceedings under section 302A-1153, as appropriate."

10 SECTION 2. Section 302A-1136, Hawaii Revised Statutes, is
11 amended to read as follows:

12 " ~~[+]§302A-1136~~ ~~[+]~~ **Enforcement.** The department shall be
13 charged with the enforcement of sections 302A-1132 to ~~[302A-~~
14 ~~1135.]~~ 302A-1134.6. Nothing in this section shall relieve any
15 chief of police or police officer of the chief's or officer's
16 responsibility for the enforcement of these sections, but their



1 enforcement shall be subject to the plans and policies of the
2 department."

3 SECTION 3. Section 571-14, Hawaii Revised Statutes, is
4 amended by amending subsection (a) to read as follows:

5 "(a) Except as provided in sections 603-21.5 and 604-8,
6 the court shall have exclusive original jurisdiction:

7 (1) To try any offense committed against a child by the
8 child's parent or guardian or by any other person
9 having the child's legal or physical custody, and any
10 violation of section 707-726, 707-727, 709-902, 709-
11 903, 709-903.5, 709-904, 709-905, or 709-906 [~~or~~
12 ~~302A-1135~~], whether or not included in other
13 provisions of this paragraph or paragraph (2);

14 (2) To try any adult charged with:

15 (A) Deserting, abandoning, or failing to provide
16 support for any person in violation of law;

17 (B) An offense, other than a felony, against the
18 person of the defendant's husband or wife;

19 (C) Any violation of an order issued pursuant to
20 chapter 586; or



1 (D) Any violation of an order issued by a family
2 court judge.

3 In any case within paragraph (1) or (2), the court, in its
4 discretion, may waive its jurisdiction over the offense
5 charged;

6 (3) In all proceedings under chapter 580, and in all
7 proceedings under chapter 584;

8 (4) In proceedings under chapter 575, the Uniform
9 Desertion and Nonsupport Act, and under chapter 576B,
10 the Uniform Interstate Family Support Act;

11 (5) For commitment of an adult alleged to be mentally
12 defective or mentally ill;

13 (6) In all proceedings for support between parent and
14 child or between husband and wife;

15 (7) In all proceedings for pre-trial detention or waiver
16 of jurisdiction over an adult who was a child at the
17 time of an alleged criminal act as provided in section
18 571-13 or 571-22;

19 (8) In all proceedings under chapter 586, Domestic Abuse
20 Protective Orders; and



1 (9) For the protection of vulnerable adults under chapter
2 346, part X.

3 In any case within paragraph (3), (4), or (6), the attorney
4 general, through the child support enforcement agency, may
5 exercise concurrent jurisdiction as provided in chapter
6 576E."

7 SECTION 4. Section 302A-1135, Hawaii Revised Statutes, is
8 repealed.

9 ~~["§302A-1135] Penalty. If any child of school age
10 persists in absenting oneself from school, the family court
11 judge, upon a proper petition, citation, or complaint being made
12 by the schoolteacher or any other officer or agent of the
13 department, or police officer, or any other person, shall cause
14 the child, and the father or mother, guardian, or other person
15 having charge of the child, to be summoned to appear before the
16 judge. Upon its being proved that the person responsible for
17 the child had not used proper diligence to enforce the child's
18 regular attendance at school, the responsible party shall be
19 guilty of a petty misdemeanor. This section shall not apply to
20 any child not liable to compulsory attendance at school."]~~



S.B. NO. 590

1 SECTION 5. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 6. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY: ~~Sen. Fred Ag~~

Donnell
Mike Gubbald



S.B. NO. 590

Report Title:

Department of Education; Absenteeism; Enforcement; Penalties

Description:

Repeals provision that imposes petty misdemeanor penalty on the child, and father or mother, guardian, or other person having charge of the child, if the child persists in absenting oneself from school.

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