

STAND. COM. REP. NO.

493

Honolulu, Hawaii

February 15, 2019

RE: H.B. No. 491  
H.D. 2

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 491, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to strengthen state and county responses to domestic violence and increase offender accountability by:

- (1) Amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense;
- (2) Allowing a deferred acceptance of a guilty or no contest plea in cases involving misdemeanor and petty misdemeanor abuse offenses; and
- (3) Requiring the Judiciary to submit annual reports to the Legislature on the number and outcome of abuse of family or household member cases.

The Judiciary, Hawai'i State Commission on the Status of Women, Office of the Public Defender, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, Domestic Violence Action Center, LGBT Caucus of the Democratic

HB491 HD2 HSCR JUD HMS 2019-2230



Party of Hawaii, Hawaii State Coalition Against Domestic Violence, American Association of University Women of Hawaii, Parents And Children Together, and two individuals supported this measure. The Department of the Attorney General and Hawaii Women's Coalition provided comments.

Your Committee has amended this measure by:

- (1) Clarifying the procedure for revoking the probation or setting aside the deferral of defendants who fail to complete the court-ordered domestic violence intervention programs or parenting classes;
- (2) Clarifying the availability of a deferral to a defendant charged with misdemeanor and petty misdemeanor abuse of family or household member offenses;
- (3) Changing the effective date to January 28, 2081, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 491, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 491, H.D. 2.

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



CHRIS LEE, Chair



State of Hawaii  
House of Representatives  
The THIRTIETH Legislature **HSCR 493**

**Record of Votes of the Committee on Judiciary**

<b>Bill/Resolution No.:</b> HB491 HD1	<b>Committee Referral:</b> HSH, JUD, FIN	<b>Date:</b> 2/13/19		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.				/
5. LOWEN, Nicole E.	/			
6. McKELVEY, Angus L.K.	/			
7. MORIKAWA, Dee				/
8. SAY, Calvin K.Y.	/			
9. TAKAYAMA, Gregg	/			
10. YAMANE, Ryan I.	/			
11. THIELEN, Cynthia	/			
<b>TOTAL (11)</b>	9			2
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <span style="margin-left: 150px;">committee acronym(s)</span>				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) – Committee    Duplicate (Yellow) – Chief Clerk's Office    Duplicate (Pink) – HMSO				