

STAND. COM. REP. NO. 782

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1037
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1037 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Amend the offense of strangulation of a family or household member to include blocking the nose or mouth of the person or applying excessive pressure to the chest; and
- (2) Clarify that infliction of visible injury is not required to establish the offense.

Your Committee received testimony in support of this measure from the Hawaii State Commission on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Department of the Prosecuting Attorney of the City and County of Honolulu, Honolulu Police Department, AAUW of Hawaii, Domestic Violence Action Center, Parents and Children Together, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, Zonta Club of Hilo, Hawaii State Coalition Against Domestic Violence, and two individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.



Your Committee finds that strangulation is highly dangerous and potentially deadly form of abuse that frequently precedes other acts of violence. Your Committee further finds that successfully prosecuting perpetrators of strangulation can be difficult because only fifty percent of strangulation victims have visible injuries. This measure will enable more effective prosecution of strangulation cases.

Your Committee has amended this measure by:

- (1) Requiring, for the offense of strangulation, the causing of bodily injury;
- (2) Clarifying the definition of "bodily injury"; and
- (3) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1037, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1037, S.D. 1, and be placed on the calendar for Third Reading.

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




KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1037	Committee Referral: JDC	Date: 2/22/19		
<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
RHOADS, Karl (C)	/			
WAKAI, Glenn (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	3			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes