

STAND. COM. REP. NO. 3725

Honolulu, Hawaii

JUN 30 2020

RE: H.B. No. 2060
H.D. 1
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2060, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to provide that if a court denies a temporary restraining order, protective order, or extended protective order, the court may order upon the oral request of the respondent that the petition record be withheld from public inspection, provided that the record remains accessible to law enforcement officers without a court order.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center, American Association of University Women of Hawaii, Hawaii Women's Coalition, Planned Parenthood Votes Northwest and Hawaii, and eight individuals. Your Committee received testimony in opposition to this measure from Rainbow Family 808. Your Committee received comments on this measure from the Judiciary and Civil Beat Law Center for Public Interest.

Your Committee finds that victims of domestic abuse who petition the courts for temporary restraining orders may face retaliatory acts from their abusers in the form of counter-petitions for the same relief. Even though the retaliatory



petitions have no basis in fact, the public record of the petitions can negatively impact the domestic abuse victims' employment and housing prospects and hinder the victims' efforts to gain physical and financial independence from their abusers. This measure permits family court judges to withhold from public inspection any record of a denied temporary restraining order or denied protective order, provided that the records remain accessible to law enforcement officers without a court order.

Your Committee has amended this measure by:

- (1) Clarifying that the person sought to be restrained by the order, in addition to the respondent, may request that the petition record be withheld from public inspection;
- (2) Making it effective upon its approval; 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 H.B. No. 2060, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2060, 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,

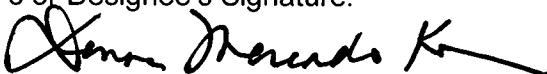


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* HB 2060 HDI	Committee Referral: JDC	Date: 06/23/2020		
<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)	/			
KEOHOKALOLE, Jarrett (VC)				/
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt	/			
TOTAL	4			1
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