

Honolulu, Hawaii

FEB 06 , 2020

RE: H.B. No. 2067  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 2067 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish a five-year pilot project 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 and penalties;
- (2) Allowing a deferred acceptance of guilty plea or no contest plea in misdemeanor and petty misdemeanor abuse cases; 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.

Your Committee received testimony in support of this measure from The Judiciary, Office of the Public Defender, City and County of Honolulu Department of the Prosecuting Attorney, Hawaii State Commission on the Status of Women, Domestic Violence Action



Center, Hawaii State Coalition Against Domestic Violence, and two individuals. Your Committee received testimony in opposition to this measure from the Honolulu Police Department. Your Committee received comments from the Department of the Attorney General.

Your Committee finds that this measure allows greater flexibility in the sentencing options regarding abuse of family or household members, while emphasizing accountability of the defendant, safety of the victims, and enhanced protection of children affected by domestic violence.

Your Committee has heard the concerns raised in testimony by the Domestic Violence Action Center regarding the ability for a person charged with a misdemeanor or petty misdemeanor abuse of a family or household member offense to plead no contest, as pleading no contest enables perpetrators of abuse to escape any acceptance of responsibility for their actions. Your Committee understands these concerns and concludes that references in this measure to no contest pleas should be deleted.

Your Committee has amended this measure by:

- (1) Decreasing the duration of the pilot project from five years to three years and making corresponding conforming amendments to the sunset date and reporting years;
- (2) Restructuring the abuse of family or household member statute to clearly differentiate between petty misdemeanor offenses and misdemeanor offenses;
- (3) Clarifying the elements of a petty misdemeanor offense of abuse of a family or household member by removing references to striking, shoving, or kicking and clarifying its associated sentencing provisions;
- (4) Clarifying when a court must revoke a defendant's probation or set aside a defendant's deferred acceptance of guilty plea if the defendant fails to complete a domestic violence intervention program or parenting class or otherwise violates the terms or conditions of the defendant's probation or deferral;
- (5) Removing language that would have enabled a person charged with a misdemeanor or petty misdemeanor abuse of

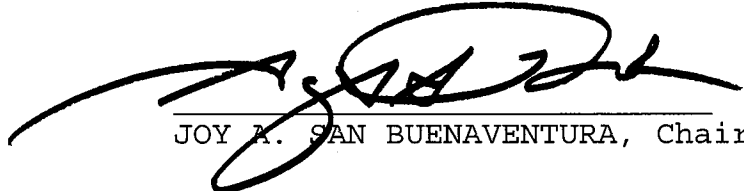


a family or household member offense to plead no contest;

- (6) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2067, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2067, H.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services &  
Homelessness,



JOY A. SAN BUENAVENTURA, Chair



