

STAND. COM. REP. NO.

2329

Honolulu, Hawaii

FEB 04 2020

RE: S.B. No. 2304

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

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2304 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 authorize family court judges to withhold any record of a denied temporary restraining order or denied protective order from public inspection, under certain circumstances.

Your Committee received testimony in support of this measure from the Domestic Violence Action Center and three individuals. Your Committee received comments on this measure from the Judiciary and Civil Beat.

Your Committee finds that there is no existing law that protects a victim of domestic abuse who sought protection from their abuser by applying for a temporary restraining order from any retaliatory acts, such as counter-petitions for restraining orders. Your Committee notes that it is not uncommon to find cases where offenders fabricate and file counter-petitions for a restraining order as an act of harassment or retaliation. Your Committee further finds that once a counter-petition is filed, the counter-petition becomes part of the public record for the victim. This can negatively impact domestic abuse victims with respect to potential employment and housing prospects. This measure will add protection for victims of false counter-petitions for a



restraining order by withholding from public inspection any record of a denied restraining order.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



