

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary**

March 19, 2021

H.B. No. 566, HD1: RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender strongly opposes H.B. 566, HD1.

This measure seeks to create a petty misdemeanor offense for subjecting a family or household member to “coercive control.” HRS § 586-1 defines “coercive control” as follows:

“Coercive control” means a pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish or frighten an individual.

“Coercive control” includes a pattern of behavior that seeks to take away the individual’s liberty or freedom and strip away the individual’s sense of self, including bodily integrity and human rights, whereby the “coercive control” is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:

- (1) Isolating the individual from friends and family;
- (2) Controlling how much money is accessible to the individual and how it is spent;
- (3) Monitoring the individual’s activities, communications, and movements;
- (4) Name-calling, degradation, and demanding the individual frequently;
- (5) Threatening to harm or kill the individual or a child or relative of the individual;
- (6) Threatening to publish information or make reports to the police or the authorities;
- (7) Damaging property or household goods, and
- (8) Forcing the individual to take part in criminal activity or child abuse.

We are troubled with the broad language of the definition as it may be applied to HRS § 709-906. Everyday or common behavior in marriages or relationship are at

risk of being criminalized if they occur more than once, thus creating a “pattern” of behavior. The following are just a few examples of conduct, which could be considered coercive control that would result in a criminal offense if it occurred more than a few occasions.

1. A couple arguing about money, budgets, debts or other monetary obligations, and the arguments become heated and unpleasant words are uttered
2. A partner in a relationship who becomes concerned that monies are being spent unwisely (e.g., gambling, illicit substances) chooses to step in and “control how much money is accessible”
3. A couple arguing over an act of infidelity expresses harsh and angry words and flings insults (name-calling) at each other in the course of an argument or verbal confrontation
4. A partner threatening to post an insult or some vague form of “information” on their Instagram or Facebook page
5. A partner in a dating relationship repeatedly pesters the other partner about where they are going or what they are doing

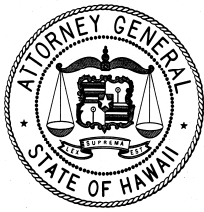
These are just a few examples of behavior that can happen in the course of a new relationship or a marriage of 30+ years. This measure will criminalize arguments or disagreements in relationships and marriages. Married couples or people in long term relationships experience disagreements and arguments, some of which may last days or weeks or months. Even loving couples experience disagreements and arguments. Parties in stable and loving relationships may say or do things that should not be labelled “abuse” and thus criminalized. This measure fails to narrow or clarify what should or should not be considered actual criminal activity.

We are also concerned that the phrase “pattern of behavior” is vague and ambiguous as applied to HRS § 709-906. What constitutes a “pattern of behavior” in this measure? How many incidents must occur and over what period of time would be considered a pattern of behavior? Are arguments involving name-calling that occur several times during a span of two-months considered a pattern of “abuse” and thus a criminal act? Is it “abuse” if the enumerated behavior occurs twice a year over the course of a five, ten or twenty year relationship? An unspecified number of incidents coupled with an unspecified time period will certainly lead to legal challenges. Is it

a criminal act to argue with your spouse more than once in a week? A month? A year? This definition provides no specific guidance to law enforcement and may result in the criminalization of household disputes that do not rise to the level of actual “abuse”.

Finally, we are concerned about misuse of this measure by the actual abusers who may easily twist and manipulate the definition of “coercive control” for their own use to further subjugate a partner. The phenomenon of weaponizing the abuse statutes by the perpetrator, sometimes called revenge abuse cases, to further perpetrate power and control on their partners is real. We have seen an increase in situations where the true abuser has had their partner arrested to demonstrate that they have the additional power and control of using law enforcement to perpetrate more subjugation.

Thank you for the opportunity to comment on this measure.



**WRITTEN TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2021**

ON THE FOLLOWING MEASURE:

H.B. NO. 566, H.D. 1, RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Friday, March 19, 2021

TIME: 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): **WRITTEN TESTIMONY ONLY.**

(For more information, contact Landon M.M. Murata,
Deputy Attorney General, at 586-1049)

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) opposes this bill.

The purpose of this bill is to add the exercise of “coercive control” as that term is defined in section 586-1, Hawaii Revised Statutes (HRS), to the conduct that constitutes the petty misdemeanor offense of abuse of family or household member, pursuant to section 709-906(6), HRS.

While the definition of “coercive control” set forth in section 586-1, HRS, may be appropriate in other contexts such as providing relationship background for a temporary restraining order, it is not suited for criminal prosecution. The definition of “coercive control” is vague and overbroad. It is not clear what conduct the bill intends to prohibit or what kind of evidence could be used to prove a defendant engaged in the prohibited conduct.

In chapter 586, HRS, the term “coercive control” is included in the definition of “domestic abuse” which, in turn, is used by various statutes in chapter 586 as the overall behavior that domestic abuse restraining orders are intended to prevent.

Section 586-1, HRS, defines “coercive control” as:

[A] pattern of threatening, humiliating, or intimidating actions, which may include assaults, or other abuse that is used to harm, punish, or frighten an individual. “Coercive control” includes a pattern of behavior that seeks

to take away the individual's liberty or freedom and strip away the individual's sense of self, including bodily integrity and human rights, whereby the "coercive control" is designed to make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior including:

- (1) Isolating the individual from friends and family;
- (2) Controlling how much money is accessible to the individual and how it is spent;
- (3) Monitoring the individual's activities, communications, and movements;
- (4) Name-calling, degradation, and demeaning the individual frequently;
- (5) Threatening to harm or kill the individual or a child or relative of the individual;
- (6) Threatening to publish information or make reports to the police or the authorities;
- (7) Damaging property or household goods; and
- (8) Forcing the individual to take part in criminal activity or child abuse.

Much of the conduct that falls under the definition is already prohibited by other statutes and is included in criminal offenses either equal to or more serious than the bill's petty misdemeanor offense. The following are various types of conduct that may constitute already established criminal offenses in the order they appear in the definition of "coercive control":

- (1) "Threats" could fall under sections 707-715 through 707-717, HRS, relating to the offenses of terroristic threatening in the first and second degree, a class C felony and a misdemeanor, respectively.
- (2) "Humiliating or intimidating actions" may constitute various types of

harassment under sections 711-1106, 711-1106.4, and 711-1106.5, HRS, which are petty misdemeanors, class C felonies, and misdemeanors, respectively.

- (3) “Assaults” in the various degrees pursuant to sections 707-710 through 707-712, HRS, range from misdemeanors to class B felonies.
- (4) “Other abuse that is used to harm, punish, or frighten” could be anything from a felony abuse of family or household member, to a misdemeanor or petty misdemeanor abuse of family or household member pursuant to section 709-906, HRS.
- (5) “Monitoring” a person’s communications and movements, depending on how it is accomplished, could be a violation of part IV of chapter 803, HRS (Hawaii’s Wiretap Act).
- (6) “Threatening to harm or kill the individual or a child or relative of the individual” are covered by sections 707-715 through 707-717, HRS, relating to the offenses of terroristic threatening in the first and second degree, a class C felony and misdemeanor, respectively.
- (7) “Damaging property or household goods” may constitute various degrees of criminal property damage pursuant to sections 708-820 through 708-823.5, HRS.

With respect to the remainder of the conduct in the definition of “coercive control,” it is not clear what specific conduct is being prohibited and what kind of evidence would be required to prove a defendant engaged in such conduct. The terms “isolating,” and “controlling,” are not defined in chapter 586 and could be difficult to prove in court. “Name-calling, degradation, and demeaning the individual frequently” are likewise ambiguous terms; especially the use of the word “frequently.” While the Department understands that the intent of the bill is to increase protections for victims, the vagueness and overbreadth of the bill’s amendments will only add confusion and uncertainty for both the victims and law enforcement.

For the foregoing reasons, the Department respectfully requests the bill be deferred. Thank you for the opportunity to testify.



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

March 19, 2021

Members of the Senate Committee on Judiciary:

Chair Karl Rhoads
Vice Chair Jarrett Keohokalole
Sen. Laura Acasio
Sen. Chris Lee
Sen. Mike Gabbard
Sen. Kurt Fevella
Sen. Donna Mercado Kim

Re: HB566 HD1 Relating to abuse of family or household members - Support

Dear Chair Rhoads, Vice Chair Keohokalole., and Members of the Senate Committee on Judiciary:

The Hawai'i State Coalition Against Domestic Violence ("HSCADV") engages communities and organizations to end domestic violence through education, advocacy, and action for social justice. HSCADV is a statewide partnership of domestic violence programs and shelters.

On behalf of HSCADV and our 23 member programs statewide, I respectfully submit testimony in support of HB566. This bill adds coercive control, as defined in HRS §586-1, to the offense of abuse of family or household members as a petty misdemeanor, creating an additional criminal justice recourse for victims and layer of accountability for domestic violence perpetrators.

We should no longer rely on a victim to endure physical abuse to get justice.

When used with the intent to exert power and control over a person, the behaviors included in Hawaii's definition of coercive control result in extreme harm to the person being abused. Most of the behaviors in Hawaii's definition are included in the Centers for Disease Control and Prevention ("CDC") National Intimate Partner Violence and Sexual Violence Survey ("NISVS"). NISVS is an ongoing survey by the CDC that collects the most current and comprehensive national- and state-level data on intimate partner violence, sexual violence and stalking victimization in the United States. The CDC developed the NISVS to collect data on these important public health problems and enhance violence prevention efforts. The measurement for intimate partner violence includes psychological aggression (name calling insults and humiliation) and coercive control (behaviors that reflect monitoring, controlling or



HAWAI'I STATE
**COALITION AGAINST
DOMESTIC VIOLENCE**

threatening) of a victim¹. The most recent NISVS State Report found that 43.5% of women and 41.6% of men in Hawai'i have experience some form of psychological aggression in their lifetime.²

The domestic violence victims throughout Hawai'i who are abused without any physical proof often believe there will be no justice for them, nor accountability for their perpetrators because their abuse does not meet the current legal standard. The coercive control addition would apply to many victims and would encourage them to come forward and seek a legal safety net for themselves and their loved ones.

HSCADV supports the passage of this bill. Thank you for the opportunity to submit testimony on this important matter.

Sincerely,

Angelina Mercado

Executive Director, Hawai'i State Coalition Against Domestic Violence

¹ Smith, S.G., Chen, J., Basile, K.C., Gilbert, L.K., Merrick, M.T., Patel, N., Walling, M., & Jain, A. (2017). The national intimate partner and sexual violence survey (NISVS): 2010-2012 state report. Atlanta: National Center for Injury Prevention and Control, Centers for Disease Control and Prevention. Retrieved from <https://www.cdc.gov/violenceprevention/pdf/NISVS-StateReportBook.pdf>.

² Ibid.

HB-566-HD-1

Submitted on: 3/16/2021 11:52:08 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Younghi Overly	Testifying for AAUW of Hawaii	Support	No

Comments:

Members of AAUW of Hawaii are grateful for this opportunity to testify in strong support of H.B. 566 HD1, which adds coercive control between family or household members to the offense of abuse of family or household members as a petty misdemeanor. The domestic abuse without any physical violence does not meet the current legal standard which means too often the perpetrators get away without any accountability, leaving the victims without any legal safety net.

Please pass this important measure and thank you for your consideration.

Youngee Overly, Public Policy Chair of AAUW of Hawaii

HB-566-HD-1

Submitted on: 3/16/2021 10:04:18 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nanci kreidman	Testifying for domestic violence action center	Support	No

Comments:

Thank you for heaing this important Bill.

It would be of enormous significance to have the definition of coercive control included in the crimes of violence committed against partners and family members.

Over the past year, at the Domestic Vloence Action Center, we have received multiple inquiries and requests for assistance pertaining to acts of control.

We shall look towards favorable action by the Committee.

love, nanci kreidman

HB-566-HD-1

Submitted on: 3/16/2021 2:49:42 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Laurie Field	Testifying for Planned Parenthood Votes Northwest and Hawaii	Support	No

Comments:

Planned Parenthood Votes Northwest and Hawaii supports HB 566, HD1. Thank you!

HB-566-HD-1

Submitted on: 3/16/2021 11:13:37 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch, Sr.	Individual	Support	No

Comments:

I support HB566. Please pass this bill.

TESTIMONY OF THOMAS D. FARRELL
Regarding HB 566 HD1, Relating to Abuse of a Family or Household Member
Committee on Judiciary
Senator Karl Rhoads, Chair/Senator Jarrett Keohokalole, Vice Chair
Friday, March 19, 2021 9:30 a.m.
(via videoteleconference)

Good Morning Chair Rhoads, Vice Chair Keohokalole and Members of the Committee:

Last year, the Legislature added “coercive control” to the civil *Order for Protection* statute, and now it is proposed to criminalize it by importing the §586-1 definition to §707-906, Hawaii Revised Statutes. I have learned long ago that bills pass or fail based on sentiments expressed in the legislation and who supports it. So, while I am cynical that public policy arguments will kill this bill, I will make those arguments anyway, and respectfully suggest that HB 566, HD 1 should die in your committee. For the record, the fact that I oppose this bill does not mean that I advocate coercive control of family or other household members. To paraphrase Barack Obama, I’m not against domestic violence legislation; I’m against stupid domestic violence legislation.

As originally drafted, §586-1 was pretty clear about what constituted abuse. There had to be an assault or the threat of an assault. “Extreme psychological abuse” was eventually added, grafting on the tort concept of “extreme emotional distress.” One would think that would be clear enough, as that tort concept has been well-defined over years of decisional law. However, I had a judge once issue an *Order for Protection* on the grounds that the respondent admitted that he had called his wife “fat and lazy.” Perhaps that same client would go to jail now if this bill passes.

HB 566, HD 1 would criminalize “a pattern of threatening, humiliating, or intimidating actions...that is used to harm, punish, or frighten an individual.” You might be interested to know that in the law, a pattern means two acts.

The bill will subject to criminal sanctions “behavior that seeks to take away the individual's liberty or freedom and strip away the individual's sense of self.” That could encompass almost anything. And it further defines “coercive control” (and these definitions are all in the disjunctive, not the conjunctive) as behavior designed to “make an individual dependent by isolating them from support, exploiting them, depriving them of independence, and regulating their everyday behavior.” If this bill passes, anyone who thinks they are “exploited” by a family or household member can call the police.

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The §586-1 language attempts to further define the nebulous concept by providing a set of non-exclusive examples:

- (1) Isolating the individual from friends and family; (“I can’t stand your mother, please don’t bring her over to the house.”)
- (2) Controlling how much money is accessible to the individual and how it is spent; (“Please don’t piddle away all our money on gambling; we need to pay the rent.”)
- (3) Monitoring the individual's activities, communications, and movements; (“Are you coming home for dinner tonight?”)
- (4) Name-calling, degradation, and demeaning the individual frequently; (Not behavior that I advocate, but don’t we have a First Amendment?)
- (5) Threatening to harm or kill the individual or a child or relative of the individual; (Already a crime elsewhere and more than just a petty misdemeanor)
- (6) Threatening to publish information or make reports to the police or the authorities; (“If you hit me again, I’m calling the cops.”)
- (7) Damaging property or household goods; and (Already covered by criminal property damage statutes)
- (8) Forcing the individual to take part in criminal activity or child abuse. (Also already covered by other criminal statutes)

I had a civil case a while back, where one of the allegations was that my client took away the keys to the car. Now that sounds like controlling behavior if ever I heard it. He admitted that he intended to control his wife and prevent her from driving off. He did that because she was stinking drunk, and she could have hurt someone else or herself if she had gotten behind the wheel.

Parents try to control, punish and coerce behavior all the time. We currently have a “reasonable parental discipline” defense that the Supreme Court has carefully defined in the context of physical punishment. Will we now have to go to the Supreme Court to find out when and under what circumstances a parent may impound a defiant teenager’s smartphone without becoming a criminal?

As a divorce lawyer, I’ve seen some marriages where one spouse is a “gold-digger.” The other has substantial income and assets, and the first has none and doesn’t work. It would seem that

Testimony of Thomas D. Farrell
HB 566, HD 1
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page 3

the gold-digger spouse is exploiting the other's resources and capacities for personal gain. This bill would criminalize that arrangement. I wonder how courts and prosecutors will deal that.

I know coercive and controlling behavior when I see it, and I assure you that I have. I don't deny its existence, and I certainly don't advocate it. However, there are other ways to deal with this. For example, if the controlling person is your spouse, divorce is a pretty good answer. You don't need to prove anything to get a divorce, other than that you are domiciled in the State of Hawaii, lawfully married, and want out.

The people who advocate this measure do not understand the consequences of its passage. They support it because they want to make a statement against domestic violence. We can all appreciate and support that. But senators have a duty to fashion legislation that is necessary, fair, workable, and practical. HB 566, HD 1 fails on all counts.

HB-566-HD-1

Submitted on: 3/16/2021 2:19:39 PM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in STRONG SUPPORT!

LATE

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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STEVEN S. ALM
PROSECUTING ATTORNEY

THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY



THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-first State Legislature
Regular Session of 2021
State of Hawai`i

March 19, 2021

RE: H.B. 566, H.D. 1; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS.

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony expressing concerns regarding H.B. 566, H.D. 1.

The purpose of H.B. 566, H.D. 1 is to add the act of “coercive control” to the manner in which an individual commits the petty misdemeanor offense of Abuse of Family or Household Member under section 709-906 (6), Hawaii Revised Statutes (H.R.S.).

During the 2020 Legislative Session, the Legislature passed Act 19 creating a five-year pilot project, aimed at strengthening the state and county responses to domestic violence. As part of this pilot project, many stakeholders spent a great deal of time crafting language that would address acts against a family or household member that did not cause bodily injury, similar to Harassment (§711-1106, Hawaii Revised Statutes). The result was the creation of a petty misdemeanor offense which went into effect on January 1, 2021. Due to the unforeseen effects that COVID-19 has had on our judiciary, the various agencies have not been able to see the positive or negative ramifications Act 19 has or will have on domestic violence in our courts. Because the petty misdemeanor created by Act 19 is a pilot project, the Department cautions against prematurely adding variables to a very complicated endeavor before any form of important data collection can be done. Additionally, the Department notes that the addition of “coercive control” into section 709-906, H.R.S. is not a new idea. During the passage of Act 19, the House Committee on Human Services and Homelessness made this identical amendment which was met with opposition by stakeholders and was subsequently removed by the House Committee on Judiciary.

The Department also notes that the proposed definition for “coercive control” could create a Modica¹ issue. Under the definition “coercive control” subsection (5), “Threatening to harm or kill the individual or a child or relative of the individual” could be construed to encompass the same action that is defined in Terroristic Threatening in the 2nd Degree (H.R.S. §707-717). This definition could limit the Department to petty misdemeanor penalties which would otherwise be classified as misdemeanor offenses. This issue is not limited to only subsection (5), but could apply to numerous other offenses that are currently established in the H.R.S. Additionally, the Department is concerned that the language used to define “coercive control” is simply too broad and may criminalize unintended behavior. The broad nature of the definition is illustrated in subsection (2) which could potentially subject an individual to arrest and possible prosecution when they fail to provide money to a family or household member (eg. not providing lunch money to a child). The Department appreciates the intent of H.B. 566, H.D. 1 in giving additional tools to ensure individuals are held accountable for various forms of domestic violence. However, without greater specificity ensuring the definition is not vague, ambiguous or too broad, the Department is concerned that this proposed offense will not be utilized to prosecute offenders as envisioned.

For all of the foregoing reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu expresses concerns with the passage of H.B. 566, H.D. 1, and asks that the measure be deferred. Thank for you the opportunity to testify on this matter.

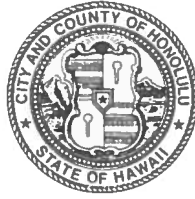
¹ State v. Modica, 567 P.2d 420, 58 Haw 249 (1977)

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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LATE

RICK BLANGIARDI
MAYOR



SUSAN BALLARD
CHIEF

JOHN D. MCCARTHY
AARON TAKASAKI-YOUNG
DEPUTY CHIEFS

OUR REFERENCE RP-KK

March 19, 2021

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: House Bill No. 566, H.D. 1, Relating to Abuse of Family or Household Members

I am Randall Platt, Captain of District 4 of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD appreciates the intent of House Bill No. 566, H.D. 1, Relating to Abuse of Family or Household Members, but has the following concerns.

The HPD understands that domestic abuse takes many forms and that coercive control is part of the domestic violence cycle. It is indeed a control over the victims' lives that makes them feel powerless. The HPD is concerned that the definition of "coercive control" is somewhat subjective and including it in subsection (6) of the Hawaii Revised Statutes (HRS), Section 709-906, may make this subsection difficult to establish, document, and enforce.

Under HRS, Section 586-1, Definitions, subsection (1) lists "Isolating the individual from friends and family" as coercive control. This raises the question of what type of isolation and what level is sufficient for the offense. Similarly, subsection (2) lists "Controlling how much money is accessible to the individual and how it is spent" as coercive behavior. Again, this raises the question of what type of control of funds is necessary to meet the offense. With subsections (3) and (4), the line of what actions

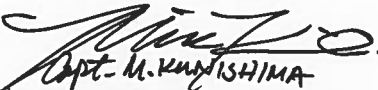
The Honorable Karl Rhoads, Chair
and Members
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actually meet the "coercive control" definition is a little blurry. Subsections (6) through (8) would already be covered by existing HRS sections.

The HPD appreciates the committee's consideration of our concerns regarding House Bill No. 566, H.D. 1, Relating to Abuse of Family or Household Members.

Thank you for the opportunity to testify.

Sincerely,


Capt. M. KUDO
for Randall Platt, Captain
District 4

APPROVED:



Susan Ballard
Chief of Police

Date: March 18, 2021

To: Senate Judiciary Committee
Senator Karl Rhoads, Chair
Senator Jarrett Keohokalole, Vice-Chair

From: Early Childhood Action Strategy
Re: Support for HB566 HD1, Relating to Coercive Force of a Family Member

Hawai'i's Early Childhood Action Strategy (ECAS) is a statewide, cross-sector collaborative designed to improve the system of care for Hawai'i's youngest children and their families. ECAS partners work to align priorities for children prenatal to age eight, streamline services, maximize resources and improve programs to support our youngest keiki.

ECAS strongly supports the passage of HB566 HD1. Research shows that exposure to sustained trauma within the first five years of life can have lasting effects on brain development and long-term health outcomes. Adverse Childhood Experiences (ACEs) and early trauma, such as chronic child abuse and neglect and intimate partner violence, often impede on healthy early brain development. Additionally, women exposed to intimate partner violence are at four-times the risk for antepartum hemorrhage, preterm delivery and low birth weight for baby, which all impact overall family health. Hawai'i's keiki are our up-and-coming teachers, doctors, business owners, employees and legislators. We want them to grow into adulthood, without the effects of trauma, so that our communities and economies thrive. We appreciate the concerns about vague definitions of "coercive force". Our recommendation would be to address the definitions through trainings and rigorous interpretations versus deferring the bill. Research exists that can help differentiate the definitions between "coercive controlling violence" and "situational couple violence". Please see resources below from the National Institute of Health, with a link to the research.

"Prior research has established several ways in which the experiences and impacts associated with coercive controlling violence differ from those associated with situational couple violence. First, the former tends to include more frequent and more severe acts of violence (Coker, Pope, Smith, Sanderson, & Hussey, 2001; Graham-Kevan & Archer, 2003; Hardesty, Crossman, Haselschwerdt, Raffaelli, Ogolsky, & Johnson, 2015; Johnson & Leone, 2005; Myhill 2015; Neilsen et al., 2016; Smith et al., 2002). Second, with coercive controlling violence, acts of severe physical, sexual, and emotional abuse, harassment, coercion, and control are more likely to continue and even escalate after partners separate given that separation is often experienced as a threat to the abusive partner's control (Myhill 2015; Ornstein & Rickne, 2013). Third, compared with experience of situational couple violence, experience of coercive controlling violence is associated with elevated levels of trauma-associated mental health symptoms during and after the relationship and greater likelihood of feeling unsafe (Cook & Goodman, 2006; Dichter & Gelles, 2012)." <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6291212/>

The impacts of exposure to early trauma can have long-term consequences. Risks include

- Behavioral, psychological, and physical health challenges

- Academic failure
- Alcohol and substance use
- Youth Delinquency
- Adult criminality

Abuse and neglect of family members are on the rise in Hawai'i, due to the stressors of the COVID19 pandemic and have ripple effects into our communities. Efforts to deter physical, emotional and sexual violence in the home are critical. Adding "coercive control" as part of the petty misdemeanor offense of abuse of a family member or household member to the pilot program established by Act 19, Regular Session of 2020, strengthens the state's response and demonstrates a commitment to taking domestic violence seriously across the islands.

Mahalo for your consideration in supporting HB 566 HD1.

[Early Childhood Action Strategy](#) is a project under Collaborative Support Services, INC.

LATE

HB-566-HD-1

Submitted on: 3/19/2021 4:33:07 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Nikki-Ann Yee	Testifying for Ma'i Movement Hawai'i	Support	No

Comments:

Ma'i Movement Hawai'i respectfully submits testimony in support of SB828. This bill adds coercive control, as defined in HRS §586-1, to the offense of abuse of family or household members as a petty misdemeanor, creating an additional criminal justice recourse for victims and layer of accountability for domestic violence perpetrators.

We should no longer rely on a victim to endure physical abuse to get justice.

The domestic violence victims throughout Hawai'i who are abused without any physical proof often believe there will be no justice for them, nor accountability for their perpetrators because their abuse does not meet the current legal standard. The coercive control addition would apply to many victims and would encourage them to come forward and seek a legal safety net for themselves and their loved ones.

Thank you for the opportunity to submit testimony on this important matter.

LATE

HB-566-HD-1

Submitted on: 3/18/2021 11:44:48 AM

Testimony for JDC on 3/19/2021 9:30:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Patricia Bilyk	Individual	Support	No

Comments:

I support HB566 HD1

Patricia L Bilyk

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