



GOV. MSG. NO. 1207

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

JUN 17 2022

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Thirty-First State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,  
Speaker and Members of the  
House of Representatives  
Thirty-First State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **JUN 17 2022**, the following bill was signed into law:

HB1891 HD1 SD1

RELATING TO THE UNIFORM RECOGNITION  
AND ENFORCEMENT OF CANADIAN  
DOMESTIC-VIOLENCE PROTECTION ORDERS  
ACT.

**ACT 107**

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai'i

JUN 17 2022

HOUSE OF REPRESENTATIVES  
THIRTY-FIRST LEGISLATURE, 2022  
STATE OF HAWAII

ACT 107  
H.B. NO. 1891  
H.D. 1  
S.D. 1

# A BILL FOR AN ACT

RELATING TO THE UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN  
DOMESTIC-VIOLENCE PROTECTION ORDERS ACT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The Hawaii Revised Statutes is amended by  
2 adding a new chapter to be appropriately designated and to read  
3 as follows:

## "CHAPTER

## UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN

## DOMESTIC-VIOLENCE PROTECTION ORDERS ACT

7           §   -1 Short title. This chapter may be cited as the  
8 Uniform Recognition and Enforcement of Canadian  
9 Domestic-Violence Protection Orders Act.

10       § -2 Definitions. As used in this chapter, unless the  
11 context otherwise requires:

12 "Canadian domestic-violence protection order" means a  
13 judgment or part of a judgment or order issued in a civil  
14 proceeding by a court of Canada under law of the issuing  
15 jurisdiction that relates to domestic violence and prohibits a  
16 respondent from:



- 1           (1) Being in physical proximity to a protected individual  
2                   or following a protected individual;
- 3           (2) Directly or indirectly contacting or communicating  
4                   with a protected individual or other individual  
5                   described in the order;
- 6           (3) Being within a certain distance of a specified place  
7                   or location associated with a protected individual; or
- 8           (4) Molesting, annoying, harassing, or engaging in  
9                   threatening conduct directed at a protected  
10                  individual.

11           "Domestic protection order" means an injunction or other  
12 order issued by a tribunal that relates to domestic or family  
13 violence laws to prevent an individual from engaging in violent  
14 or threatening acts against, harassment of, direct or indirect  
15 contact or communication with, or being in physical proximity to  
16 another individual.

17           "Issuing court" means the court that issues a Canadian  
18 domestic-violence protection order.

19           "Law enforcement officer" means an individual authorized by  
20 law of this State other than this chapter to enforce a domestic  
21 protection order.



1 "Person" means an individual, estate, business or nonprofit  
2 entity, public corporation, government or governmental  
3 subdivision, agency, or instrumentality, or other legal entity.

4 "Protected individual" means an individual protected by a  
5 Canadian domestic-violence protection order.

6 "Record" means information that is inscribed on a tangible  
7 medium or that is stored in an electronic or other medium and is  
8 retrievable in perceivable form.

9 "Respondent" means an individual against whom a Canadian  
10 domestic-violence protection order is issued.

11 "State" means a state of the United States, the District of  
12 Columbia, Puerto Rico, the United States Virgin Islands, or any  
13 territory or insular possession subject to the jurisdiction of  
14 the United States. "State" includes a federally recognized  
15 Indian tribe.

16 "Tribunal" means a court, agency, or other entity  
17 authorized by law of this State other than this chapter to  
18 establish, enforce, or modify a domestic protection order.

19 § -3 Enforcement of Canadian domestic-violence  
20 protection order by law enforcement officer. (a) If a law  
21 enforcement officer determines under subsection (b) or (c) that

1 there is probable cause to believe a valid Canadian  
2 domestic-violence protection order exists and the order has been  
3 violated, the officer shall enforce the terms of the Canadian  
4 domestic-violence protection order as if the terms were in an  
5 order of a tribunal. Presentation to a law enforcement officer  
6 of a certified copy of a Canadian domestic-violence protection  
7 order is not required for enforcement.

8 (b) Presentation to a law enforcement officer of a record  
9 of a Canadian domestic-violence protection order that identifies  
10 both a protected individual and a respondent and on its face is  
11 in effect constitutes probable cause to believe that a valid  
12 order exists.

13 (c) If a record of a Canadian domestic-violence protection  
14 order is not presented as provided in subsection (b), a law  
15 enforcement officer may consider other information in  
16 determining whether there is probable cause to believe that a  
17 valid Canadian domestic-violence protection order exists.

18 (d) If a law enforcement officer determines that an  
19 otherwise valid Canadian domestic-violence protection order  
20 cannot be enforced because the respondent has not been notified  
21 of or served with the order, the officer shall notify the



1 protected individual that the officer will make reasonable  
2 efforts to contact the respondent, consistent with the safety of  
3 the protected individual. After notice to the protected  
4 individual and consistent with the safety of the individual, the  
5 officer shall make a reasonable effort to inform the respondent  
6 of the order, notify the respondent of the terms of the order,  
7 provide a record of the order, if available, to the respondent,  
8 and allow the respondent a reasonable opportunity to comply with  
9 the order before the officer enforces the order.

10 (e) If a law enforcement officer determines that an  
11 individual is a protected individual, the officer shall inform  
12 the individual of available local victim services.

13 § -4 Enforcement of Canadian domestic-violence  
14 protection order by tribunal. (a) A tribunal may issue an  
15 order enforcing or refusing to enforce a Canadian  
16 domestic-violence protection order on application of:

17 (1) A person authorized by law of this State other than  
18 this chapter to seek enforcement of a  
19 domestic-protection order; or

20 (2) A respondent.

1 (b) In a proceeding under subsection (a), the tribunal  
2 shall follow the procedures of this State for enforcement of a  
3 domestic protection order. An order entered under this section  
4 is limited to the enforcement of the terms of the Canadian  
5 domestic-violence protection order.

6 (c) A Canadian domestic-violence protection order is  
7 enforceable under this section if:

8 (1) The order identifies a protected individual and a  
9 respondent;

10 (2) The order is valid and in effect;

11 (3) The issuing court had jurisdiction over the parties  
12 and the subject matter under law applicable in the  
13 issuing court; and

14 (4) The order was issued after:

15 (A) The respondent was given reasonable notice and  
16 had an opportunity to be heard before the court  
17 issued the order; or

18 (B) In the case of an ex parte order, the respondent  
19 was given reasonable notice and had or will have  
20 an opportunity to be heard within a reasonable  
21 time after the order was issued, in a manner



1                   consistent with the right of the respondent to  
2                   due process.

3           (d) A Canadian domestic-violence protection order valid on  
4 its face is prima facie evidence of its enforceability under  
5 this section.

6           (e) A claim that a Canadian domestic-violence protection  
7 order does not comply with subsection (c) is an affirmative  
8 defense in a proceeding seeking enforcement of the order. If  
9 the tribunal determines that the order is not enforceable, the  
10 tribunal shall issue an order that the Canadian  
11 domestic-violence protection order is not enforceable under this  
12 section and section -3 and may not be registered under  
13 section -5.

14           (f) A person who violates a valid Canadian domestic-  
15 violence protection order shall be subject to the penalties  
16 provided in section 586-26.

17           § -5 Registration of Canadian domestic-violence  
18 protection order. (a) An individual may register a Canadian  
19 domestic-violence protection order in a Hawaii state court. To  
20 register the order, the individual shall present a certified  
21 copy of the Canadian domestic-violence protection order,





1 accompanied by a sworn affidavit that the order remains in  
2 effect and has not been vacated or modified. No filing fee  
3 shall be required for registration of the order.

4 (b) Registration in this State or filing of a Canadian  
5 domestic-violence protection order with Hawaii state courts  
6 shall not be required for enforcement of a Canadian  
7 domestic-violence protection order in this State.

8 § -6 Immunity. Any law enforcement officer acting in  
9 good faith shall be immune from civil or criminal liability in  
10 any action arising in connection with enforcement of a valid  
11 Canadian domestic-violence protection order or a Canadian  
12 domestic-violence protection order that appears to be authentic  
13 on its face. For the purposes of this section, "authentic on  
14 its face" means the Canadian domestic-violence protection order  
15 contains the names of both parties and remains in effect.

16 § -7 Other remedies. An individual who seeks a remedy  
17 under this chapter may seek other legal or equitable remedies.

18 § -8 Uniformity of application and construction. In  
19 applying and construing this uniform Act, consideration shall be  
20 given to the need to promote uniformity of the law with respect  
21 to its subject matter among states that enact it.



1           §   -9   Relation to Electronic Signatures in Global and  
2 National Commerce Act. This chapter modifies, limits, or  
3 supersedes the Electronic Signatures in Global and National  
4 Commerce Act, 15 United States Code section 7001 et seq., but  
5 does not:

6           (1)   Modify, limit, or supersede section 101(c) of that  
7                Act, 15 United States Code section 7001(c); or

8           (2)   Authorize electronic delivery of any of the notices  
9                described in section 103(b) of that Act, 15 United  
10               States Code section 7003(b).

11          §   -10   Transition. This chapter shall apply to a  
12 Canadian domestic-violence protection order issued before, on,  
13 or after the effective date of this chapter and to a continuing  
14 action for enforcement of a Canadian domestic-violence  
15 protection order commenced before, on, or after the effective  
16 date of this chapter. A request for enforcement of a Canadian  
17 domestic-violence protection order made on or after the  
18 effective date of this chapter for a violation of the order  
19 occurring before, on, or after the effective date of this  
20 chapter shall be governed by this chapter."



1 SECTION 2. Section 586-21, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "[~~f~~]§586-21[~~f~~] Foreign protective orders. Any valid  
4 protective order, as defined in title 18 [U.S.C. ~~§2266,~~] United  
5 States Code section 2266, issued by a court or tribunal of  
6 another state, tribe, or territory of the United States, or  
7 issued by a court or tribunal of Canada and recognized under  
8 chapter , shall be accorded full faith and credit by the  
9 courts of this State and shall be enforced as if it were an  
10 order issued in this State."

11 SECTION 3. If any provision of this Act, or the  
12 application thereof to any person or circumstance, is held  
13 invalid, the invalidity does not affect other provisions or  
14 applications of the Act that can be given effect without the  
15 invalid provision or application, and to this end the provisions  
16 of this Act are severable.

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19 SECTION 5. This Act shall take effect upon its approval.



H.B. NO. 1891  
H.D. 1  
S.D. 1

APPROVED this 17 day of June, 2022

A handwritten signature in black ink, appearing to read "David Y. Ige". The signature is fluid and cursive, with a large, sweeping "Y" and a long, horizontal stroke at the end.

GOVERNOR OF THE STATE OF HAWAII

HB No. 1891, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki  
Speaker  
House of Representatives

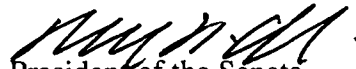



Brian L. Takeshita  
Chief Clerk  
House of Representatives

**THE SENATE OF THE STATE OF HAWAI‘I**

Date: April 8, 2022  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the Senate  
of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.

  
President of the Senate

  
Clerk of the Senate