

STAND. COM. REP. NO.

3444

Honolulu, Hawaii

MAR 24 2022

RE: H.B. No. 2422
H.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred H.B. No. 2422, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SENTENCING,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that sentences for domestic violence intervention for abuse-related offenses shall be imposed, with or without probation.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Hawai'i State Coalition Against Domestic Violence. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

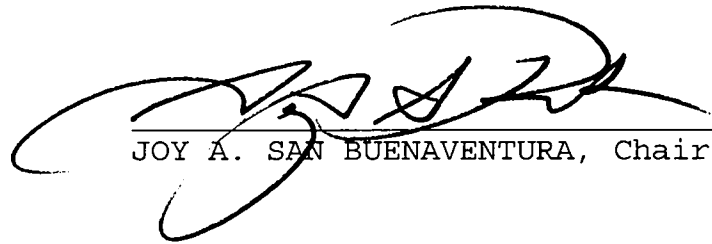
Your Committee finds that section 586-4, Hawaii Revised Statutes, authorizes a family court to order a violator of a temporary restraining order to undergo mandatory domestic violence intervention, which includes both anger management and domestic violence treatment, as domestic violence intervention is recognized as an important part of addressing the root causes of domestic violence. Existing law also provides that the family court may impose additional sanctions applicable to a misdemeanor sentence. Nevertheless, a recent Hawaii Supreme Court decision held that domestic violence intervention may only be ordered as a condition of probation. To clarify the legislative intent in



light of this misinterpretation of existing law and to eliminate any confusion, this measure clarifies and restates that a family court is required to impose a sentence for domestic violence intervention, with or without probation, for violations of restraining orders, orders for protection, and abuse of family or household members.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2422, H.D. 1, 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 Human Services,

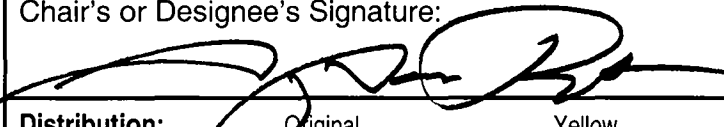


JOY A. SAN BUENAVENTURA, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

**Record of Votes
Committee on Human Services
HMS**

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 2422 HD1	HMS, JDC	3/22/2022		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)		✓		
ACASIO, Laura		✓		
MISALUCHA, Bennette E.				✓
FEVELLA, Kurt				✓
TOTAL	1	2	0	2
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes