

STAND. COM. REP. NO.

199

Honolulu, Hawaii

FEB 12 2021

RE: S.B. No. 410
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 410 entitled:

"A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER,"

begs leave to report as follows:

The purpose and intent of this measure is to add offenses relating to abuse of a family or household member to the list of felonies that qualify for repeat offender sentencing.

Your Committee received testimony in support of this measure from Maui Police Department, the Honolulu Police Department, Maui County Department of the Prosecuting Attorney, Department of the Prosecuting Attorney of the City and County of Honolulu, Domestic Violence Action Center, Child and Family Service, Hawai'i State Coalition Against Domestic Violence, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee finds that domestic violence is a serious and pervasive public health issue with devastating long-term consequences for society. The seriousness of this violent crime emphasizes the need for mandatory minimum sentencing to hold repeat offenders accountable. Your Committee also finds over the years, amendments to the mandatory minimum sentencing law, section 709-606.5, Hawaii Revised Statutes, have been "piecemeal", and



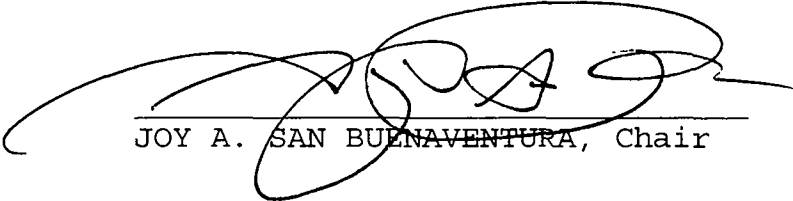
abuse of family or household member (AFHM) offenses were, unfortunately, not added to the list of offenses that qualify for repeat offender sentencing.

Your Committee further finds that under section 709-906(7), Hawaii Revised Statutes, it is a class C felony to commit the offense of AFHM more than twice over a two-year period, and a defendant in this situation would be eligible for a maximum five-year term of imprisonment. However, existing law does not provide for enhanced sentencing for defendants who continue to abuse beyond a third offense. These repeat offenders may serve terms that are substantially shorter than five years or, worse, receive probation.

Accordingly, your Committee has amended this measure by removing the reference to section 709-906(7), Hawaii Revised Statutes, from the list of offenses that are eligible for repeat offender sentencing because it is already described as a class C felony for those defendants who have been convicted three times for an AFHM offense.

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 S.B. No. 410, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 410, S.D. 1, 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:		
SB410	HMS, JDC	02/04/2021		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" 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	4	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes