

Honolulu, Hawaii

**FEB 07 2022**

RE: S.B. No. 622  
S.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 Judiciary, to which was referred S.B. No. 622 entitled:

"A BILL FOR AN ACT RELATING TO RESTRAINING ORDER VIOLATIONS,"

begs leave to report as follows:

The purpose and intent of this measure is to require a court to sentence a person convicted of violating an injunction or restraining order or order of protection during the term of a stay-at-home order imposed by the State or a county in which the violation occurred to a mandatory minimum jail sentence of not less than thirty days and fined not less than \$5,000.

Your Committee received testimony in support of this measure from three individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the coronavirus disease 2019 pandemic caused police, courts, and jails to reprioritize their use of personnel and resources. This can be emotionally and physically devastating for individuals with injunctions or temporary restraining orders who are harassed while a "stay-at-home" order is in place. In some cases, these individuals can become a hostage to their harasser with no real-time recourse. This situation essentially equates to an aggravated circumstance



that warrants heightened penalties for violations. This measure creates a mandatory penalty to deter harassers from violating stay-at-home orders and to protect their victims.

Your Committee has amended this measure by:

- (1) Specifying that a violation of a temporary restraining order during a stay-at-home order carries a mandatory fine of no less than \$500 and no more than \$3,000;
- (2) Clarifying that a violation of an order for protection, or injunction or restraining order during a stay-at-home order carries a mandatory fine of no less than \$500 and no more than \$3,000;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 622, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 622, S.D. 1.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



---

KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes  
Committee on Judiciary  
JDC**

Bill / Resolution No.:* <b>SB 622</b>	Committee Referral: <b>PSM, JDC</b>	Date: <b>01-27-22</b>		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura			✓	
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt		✓		
<b>TOTAL</b>	<b>5</b>	<b>1</b>	<b>1</b>	<b>—</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original                                    Yellow                                    Pink                                    Goldenrod File with Committee Report            Clerk's Office                            Drafting Agency                            Committee File Copy				

\*Only one measure per Record of Votes