

HB-1891-HD-1

Submitted on: 3/29/2022 10:01:16 AM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Testifying for Commission to Promote Uniform Laws	Support	Written Testimony Only

Comments:

Aloha,

Thank you for the opportunity to submit comments on behalf of the Commission to Promote Uniform Legislation in strong **support** of House Bill No. 1891, HD 1. This act would protect Canadian travelers who have domestic violence protection orders while they are visiting Hawaii.

The uniform act was developed by the Uniform Law Commission with input from judges and practicing lawyers from both the United States and Canada. To date, the Act has been enacted in California, Delaware, Minnesota, Nevada, North Dakota, Washington, and Wisconsin.

I urge adoption of HB 1891, HD 1 for the following reasons:

- Adoption will **encourage enforcement** of Canadian domestic violence protection orders in Hawaii. If enacted, a law enforcement officer, upon finding probable cause that a valid order was violated, must enforce the provisions of the Canadian order.
- This act **protects law enforcement officers and other officials** from criminal or civil liability for the good faith enforcement of a Canadian protection order.
- This act **provides clear rules for judicial enforcement** of Canadian protection orders.
- This act allows for registration of Canadian orders and helps **prevent possible challenges** which facilitates effective enforcement.

HB 1891, HD 1 will help protect victims of domestic violence. Thank you for allowing me to submit testimony in strong support of House Bill No. 1891, HD 1.

Elizabeth Kent , Commission to Promote Uniform Laws

HB-1891-HD-1

Submitted on: 3/28/2022 6:47:57 PM

Testimony for JDC on 3/31/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Testify
nanci kreidman	Testifying for domestic violence action center	Support	Written Testimony Only

Comments:

Aloha,

We submit this measure.

thank you.

TESTIMONY OF EVAN OUE ON BEHALF OF THE HAWAII ASSOCIATION FOR JUSTICE (HAJ) WITH COMMENTS ON HB 1891 HD1

Date: Thursday, March 31, 2022

Time: 9:30 p.m.

My name is Evan Oue and I am presenting this testimony on behalf of the Hawaii Association for Justice (HAJ) providing **COMMENTS** on HB 1891 HD1, Relating to the Uniform Recognition and Enforcement of Canadian Domestic-Violence Protection Orders Act. HAJ has concerns with HB 1891 in its current form as it grants immunity from any civil and criminal liability.

Specifically, Section -6 states that the State, state agency, local governmental agency, law enforcement officer, prosecuting attorney, clerk of court, and state or local governmental official acting in an official capacity shall be immune from civil and criminal liability for an act or omission arising out of the registration or enforcement of a Canadian domestic-violence protection order or the detention or arrest of an alleged violator of a Canadian domestic-violence protection order if the act or omission was a good faith.

The immunity in this bill is overbroad could result in unintended consequences. For instance, an officer could violate a person's civil rights or cause injury including death in attempting to "enforce" an order of protection and would enjoy absolute immunity for their actions. To preserve the rights of individuals to seek recourse, **HAJ recommends that Section -6 be deleted.**

Thank you for allowing us to testify regarding this measure. Please feel free to contact us should you have any questions or desire additional information.