

**HB-1891-HD-1**

Submitted on: 2/20/2022 7:37:08 PM

Testimony for JHA on 2/23/2022 2:00:00 PM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Elizabeth Kent	Commission to Promote Uniform Laws	Support	Yes

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. I urge you to support House Bill No. 1891, HD 1.

Respectfully,

Elizabeth Kent



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

Date: Thursday, February 23, 2022  
Time: 2:00 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, 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.

Testimony of Ken H. Takayama  
5567 Pia Street  
Honolulu, HI 96821

On H.B. NO. 1891, H.D.1, Relating to the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act.

Before the House Committee on Judiciary and Hawaiian Affairs:

Date: Wednesday, February 23, 2022  
Time 2:00 p.m.  
Location: State Capitol, Rm 325, Via Videoconference.

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committee,

Thank you for this opportunity to testify in **strong support** of H.B. No. 1891, H.D.1, which enacts the Uniform Recognition and Enforcement of Canadian Domestic Violence Protection Orders Act. It's a mouthful of a long name for a short act that enunciates a simple principal: **allow Hawaii courts and law enforcement agencies to enforce domestic-violence protection orders issued by Canadian courts.** In other words, if a Canadian visitor in Hawaii needs to enforce their Canadian protection order, let them go to court in Hawaii rather than return to Canada.

This uniform law is not a revolutionary development. It returns something of a favor. A Canadian law on the books since 2011--the Uniform Enforcement of Canadian Judgments and Decrees Act (UECJDA)--has granted recognition to protection orders issued by courts of the United States and other countries. States enacting H.B. 1819 or a measure like it accord similar recognition to protection orders from Canada.

Both the Canadian law referenced in the previous paragraph and this measure are part of state, federal, and international efforts to recognize domestic-violence protection orders across jurisdictions. The United States has been a part of these efforts since 1994 with the enactment of the Violence Against Women Act, or VAWA, in which Congress required states to grant full faith and credit to the protection orders of other states. Many states enacted legislation recognizing the domestic-violence orders of sister states. And to date, seven states, including California and Nevada, have passed the law enacted by this measure.

H.B. 1819, H.D.1 expands the ability of Hawaii's courts and law enforcement agencies to assist Canadian visitors trying to cope with violations of domestic abuse protection orders issued to them by Canadian courts. The proposed law also serves as something of a force multiplier for all law enforcement agencies in Hawaii and elsewhere who are authorized to assist holders of domestic violence protection orders. If this bill becomes law, all law enforcement personnel in Hawaii will be able to assist the complainant—in addition to the law enforcement personnel in Canada. This gives law enforcement agencies access to additional resources in the form of trained personnel, not by hiring them, but simply by having them become available.

Thank you very much for this opportunity to submit testimony.

Ken

Ken Takayama  
Volunteer, Comm. To Promote Uniform Legislation  
Life Member, Uniform Law Commission.