

HB-1891-HD-1

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Testimony for PSM on 3/15/2022 1:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Elizabeth Kent	Testifying for Commission to Promote Uniform Laws	Support	Remotely Via Zoom

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 testify in support of House Bill No. 1891, HD 1.

Elizabeth Kent

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

Before the Senate Committee on Public Safety and Military Affairs

Date: Tuesday, March 15, 2022 Time 1:00 p.m. Location: State Capitol, Via Videoconference.

Chair Nishihara, Vice Chair Wakai, 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. 1891, H.D.1, 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. 1891, 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

KenTakayama

Volunteer, Comm. To Promote Uniform Legislation

Life Member, Uniform Law Commission.