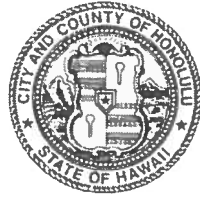


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org



RICK BLANGIARDI
MAYOR

RADE K. VANIC
INTERIM CHIEF

OUR REFERENCE

BN-KK

February 17, 2022

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State Senate
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2082, Relating to Abuse of Family or Household Members

I am Brandon Nakasato, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports Senate Bill No. 2082, Relating to Abuse of Family or Household Members (AFHM), which proposes to add AFHM to those felonies that qualify for repeat-offender sentencing. This will emphasize accountability of the defendant, safety of the victims, and increased protection for victims and families affected by domestic violence.

The HPD urges you to support Senate Bill No. 2082, Relating to Abuse of Family or Household Members, and we appreciate the committee's consideration.

Thank you for the opportunity to testify.

APPROVED:

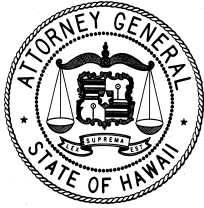
Handwritten signature of Rade K. Vanic in black ink, written over a horizontal line.

Rade K. Vanic
Interim Chief of Police

Sincerely,

Handwritten signature of Brandon Nakasato in black ink, written over a horizontal line.

for Brandon Nakasato, Captain
Criminal Investigation Division



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

S.B. NO. 2082, RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBERS.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Thursday, February 17, 2022 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Via Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Timothy Tate, Deputy Attorney General

Chair Rhoads and Members of the Committee:

The Department of the Attorney General (Department) supports this bill.

The bill proposes to update the sentencing statutes to add certain offenses of abuse of family or household members to those felonies that qualify for repeat offender sentencing.

Section 706-606.5, Hawaii Revised Statutes (HRS), Sentencing for Repeat Offender, first enacted in 1976, provides specialized sentencing provisions for repeat offenders of certain felony offenses, and has been amended a number of times to add various Class C felonies, including both violent and non-violent offenses. Felony abuse of a family or household member, under sections 709-906 (8), (9), and (10), HRS, is a serious violent offense that should be added to the list of offenses subject to repeat offender sentencing under section 706-605.5, HRS. The amendment would promote greater protection for victims of domestic violence and safety in the home.

The Department supports this bill and respectfully requests that it be passed. Thank you for the opportunity to testify in support of the bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
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STEVEN S. ALM
PROSECUTING ATTORNEY



THOMAS J. BRADY
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY
Thirty-first State Legislature
Regular Session of 2022
State of Hawai'i

February 17, 2022

RE: S.B. 2082; RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

Chair Rhoads, Vice-Chair Keohokalole and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu ("Department") submits the following testimony in **strong support** of S.B. 2082. This bill is part of the Department's 2022 legislative package, and we thank the Committee for hearing it.

The purpose of S.B. 2082 is to strengthen and update the sentencing statutes applicable to the offense of Abuse of a Family or Household Member. Section 706-606.5, Hawaii Revised Statutes ("H.R.S."), Sentencing for Repeat Offender, first enacted in 1976, provides specialized sentencing provisions for repeat felony offenses, and has been amended a number of times to include various Class C felonies. Although this list covers a range of very serious crimes, one violent Class C felony which is not on this list, is felony-level Abuse of a Family or Household Member ("AFHM"), under H.R.S. §709-906 (8), (9) and (10).

Currently, the offense of AFHM has 3 subsections categorized as Class C felonies:

- **H.R.S. §709-906 (8)** For a third or any subsequent conviction, that occurs within two years of a second or subsequent conviction, the offense shall be a class C felony.
(Enacted by Act 19, Session Laws 1999; amended by Act 5, Session Laws 2002)
- **H.R.S. §709-906 (9)** Where the physical abuse consists of intentionally or knowingly causing bodily injury by impeding the normal breathing or circulation of the blood by:
 - o Applying pressure on the throat or neck with any part of the body or a ligature,
 - o Blocking the nose and mouth; or
 - o Applying pressure to the chest,

Abuse of a family or household member is a class C felony; provided that infliction of visible bodily injury shall not be required to establish an offense under this subsection. **(Enacted by Act 230, Session Laws 2006)**

- **H.R.S. §709-906 (10)** Where physical abuse occurs in the presence of a minor, as defined in section 706-606.4, and the minor is a family or household member less than fourteen years of age, abuse of a family or household member is a class C felony **(Enacted by Act 117, Session Laws 2014)**

Given that C felony offenses have been added to H.R.S. §709-906 “piecemeal” over the years, the Department believes it was not intentional to leave felony-level AFHM off of the list, but rather an oversight, as the three Class C felony subsections were created long after the Sentencing for Repeat Offenders statute was enacted (in 1976), and also long after the AFHM statute was enacted (in 1973); until 1999, AFHM was only classified as a misdemeanor offense. The Department believes that these heightened penalties for felony-level AFHM will more accurately reflect the seriousness of these types of offenses in today’s society, by placing them on the same level as all other violent Class C felonies.

For these reasons, the Department of the Prosecuting Attorney strongly supports the passage of S.B. 2082. Thank you for this opportunity to testify.

SB-2082

Submitted on: 2/14/2022 11:40:35 AM

Testimony for JDC on 2/17/2022 9:30:00 AM

Submitted By	Organization	Testifier Position	Remote Testimony Requested
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in STRONG Support!