



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

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**ON THE FOLLOWING MEASURE:**

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

**BEFORE THE:**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

**DATE:** Thursday, March 17, 2022      **TIME:** 2:00 p.m.

**LOCATION:** State Capitol, Room 325, Via Videoconference

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

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Chair Nakashima 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.

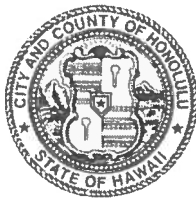
The Department supports this bill and respectfully requests that it be passed.

Thank you for the opportunity to testify in support of the bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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RICK BLANGIARDI  
MAYOR



RADE K. VANIC  
INTERIM CHIEF

OUR REFERENCE **BN-KK**

March 17, 2022

The Honorable Mark M. Nakashima, Chair  
and Members  
Committee on Judiciary  
and Hawaiian Affairs  
House of Representatives  
Hawaii State Capitol  
415 South Beretania Street, Room 325  
Honolulu, Hawaii 96813

Dear Chair Nakashima and Members:

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

I am Brandon Nakasato, Acting Major 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). This bill proposes the addition of 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.

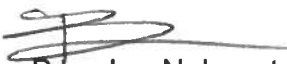
The HPD supports Senate Bill No. 2082, Relating to Abuse of Family or Household Members.

Thank you for the opportunity to testify.

APPROVED:

Sincerely,

  
\_\_\_\_\_  
Rade K. Vanic  
Interim Chief of Police

  
Brandon Nakasato, Acting Major  
Criminal Investigation Division

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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STEVEN S. ALM  
PROSECUTING ATTORNEY



THOMAS J. BRADY  
FIRST DEPUTY  
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**THE HONORABLE MARK M. NAKASHIMA, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS**  
**Thirty-first State Legislature**  
**Regular Session of 2022**  
**State of Hawai`i**

March 17, 2022

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

Chair Nakashima, Vice-Chair Matayoshi and members of the House Committee on Judiciary and Hawaiian Affairs, 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)**

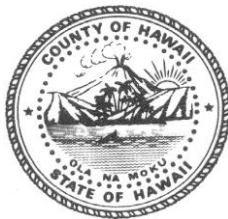
- **H.R.S. §709-906 (10)** Where physical abuse occurs in the presence of a minor, as defined in section 706-606.4, and the minor is a family or household member less than fourteen years of age, abuse of a family or household member is a class C felony **(Enacted by Act 117, Session Laws 2014)**

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.

**KELDEN B.A. WALTJEN**  
PROSECUTING ATTORNEY

**STEPHEN L. FRYE**  
FIRST DEPUTY  
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**OFFICE OF THE PROSECUTING ATTORNEY**

**TESTIMONY IN SUPPORT OF SENATE BILL 2082**

A BILL FOR AN ACT RELATING TO  
ABUSE OF FAMILY OR HOUSEHOLD MEMBERS

COMMITTEE ON JUDICIARY &  
HAWAIIAN AFFAIRS  
Representative Mark M. Nakashima, Chair  
Representative Scot Z. Matayoshi, Vice Chair

Thursday, March 17, 2022 at 2:00 p.m.  
Via Videoconference &  
State Capitol Conference Room325

Honorable Chair Nakashima, Vice-Chair Matayoshi and Members of the Committee on Judiciary & Hawaiian Affairs. The County of Hawai‘i, Office of the Prosecuting Attorney submits the following testimony in strong support of Senate Bill 2082.

The intent of this bill is to include Felony Abuse of a Family or Household Member, in violation of Section 709-906(8), (9), and (10), Hawaii Revised Statutes, as one of the enumerated class “C” felony offenses prescribed within Section 706-606.5, Hawaii Revised Statutes (“Sentencing for Repeat Offenders”).

Our Office agrees that the exclusion of Felony Abuse of a Family or Household Member within the enumerated offenses that subject an individual to a mandatory minimum sentence was an oversight, given the violent and/or serious nature of these types of offenses. Furthermore, by establishing a mandatory minimum penalty for these types of crimes we promote respect for the law, ensure that offenders receive an appropriate sentence that reflects the seriousness of the offense, provide adequate deterrence for future criminal activity, and protect the public.

The County of Hawai‘i, Office of the Prosecuting Attorney remains committed to the pursuit of justice with integrity and commitment. For the foregoing reasons, the County of Hawai‘i, Office of the Prosecuting Attorney strongly supports the passage of Senate Bill No. 2082. Thank you for the opportunity to testify on this matter.



HAWAI'I STATE  
COALITION AGAINST  
DOMESTIC VIOLENCE

March 17, 2022

Members of the House Committee on Judiciary and Hawaiian Affairs:

Chair Mark M. Nakashima	Rep. Angus L.K. McKelvey
Vice Chair Scot Z. Matayoshi	Rep. Nadine K. Nakamura
Rep. Linda Ichiyama	Rep. Roy M. Takumi
Rep. Dale T. Kobayashi	Rep. Chris Todd
Rep. Matthew S. LoPresti	Rep. James Kunane Tokioka
Rep. Nicole E. Lowen	Rep. Gene Ward

Re: SB2082 Relating to Relating to Abuse of Family Or Household Members

Dear Chair Nakashima, Vice Chair Matayoshi, and Members of the House Committee on Judiciary and Hawaiian Affairs:

The Hawai'i State Coalition Against Domestic Violence (HSCADV) advances the safety and healing of victims, survivors and their families. We are the collective voice of a diverse network of organizations and individuals, working to eliminate all forms of domestic violence in Hawai'i by fostering partnership, increasing awareness of domestic violence, developing the capacity our member programs and community partners to address the needs of survivors and their families, and advocating for social justice and change.

On behalf of HSCADV and our 26 member programs statewide, I respectfully submit testimony in **support of SB2082**. Felony abuse of a family or household member in HRS sections 709-906 (8), (9) and 10 are serious violent offense that should be added to the list of offenses subject to repeat offender sentencing under section 706-605.5. The amendment would promote greater protection for victims of domestic violence and safety in the home.

In particular, HRS 709-906 (9) addresses strangulations which is a strong indicator of potential lethality in an intimate partner relationship. Simply stated, [a victim is more likely to be killed by their partner if they are being choked or strangled](#). In fact, the risk of death is **10 times higher**, and [strangulation is one of the most lethal forms of domestic violence](#): unconsciousness may occur within seconds, and death within minutes.

We respectfully requests that the committee pass this measure. Thank you for the opportunity to testify on this important matter.

Sincerely,  
Angelina Mercado, Executive Director

**SB-2082**

Submitted on: 3/15/2022 2:28:14 PM

Testimony for JHA on 3/17/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Dana Keawe	Individual	Support	Written Testimony Only

Comments:

Support SB2082

**SB-2082**

Submitted on: 3/15/2022 3:49:59 PM

Testimony for JHA on 3/17/2022 2:00:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Testify</b>
Jennifer Azuma Chrupalyk	Individual	Support	Written Testimony Only

Comments:

As a survivor of the cycles of domestic abuse, I hereby share full support.

On my 19th birthday, my first boyfriend beat me to death. Having been resuscitated and in a coma, he had been arrested, released a few days later, and while I was in a coma he went to the ICU to finish breaking my ribs and to pull the plugs of the life support that kept me alive. I wish laws would have protected me. But they didn't. A male nurse on the floor did. Later that year I was released from the hospital and was very weak. He broke into my home, broke my ribs again, and raped me. During that time, I had to go to court to get a restraining order. While waiting in the hallway for our turn, he slammed a broken and pregnant me into the wall. Not able to speak, and not knowing what to do, when I felt blood seep into my pants, I made my way to the bathroom to give birth to my second trimester embryo, and held the baby while it turned blue in my arms - or until somebody found me holding the dead baby, traumatized.

Let that testimony serve to help you make all the legislation that you need. Had I not grown up in domestic violence, I might have known that it wasn't normal and I might have made better choices. But the laws at that time did not stop my parents from such behavior. As a result, I made poor choices in relationships, and my brother went crazy by the time we both turned 21.

Thank you for the social services that I received while healing from my partial skull replacement in 2012. The surgery had corrected some of the damage from the abuse that I sustained earlier in life.