



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 2393, RELATING TO THE UNIFORM RECOGNITION AND ENFORCEMENT OF CANADIAN DOMESTIC-VIOLENCE PROTECTION ORDERS ACT.

**BEFORE THE:**

SENATE COMMITTEE ON  
PUBLIC SAFETY, INTERGOVERNMENTAL, AND MILITARY AFFAIRS

**DATE:** Thursday, February 3, 2022      **TIME:** 1:10 p.m.

**LOCATION:** State Capitol, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Cheuk Fu Lui, Deputy Attorney General

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Chair Nishihara and Members of the Committee:

The Department of the Attorney General (Department) appreciates the intent of this bill, but has concerns.

The purpose of this bill is to recognize and enforce a valid order of protection obtained in a court of Canada. The Department has concerns about the issue of criminal enforcement. As it stands, the bill provides for local enforcement of a valid Canadian Protection Order, and allows law enforcement to arrest a violator, but the bill does not provide for a state offense upon which the offense would be based, or a penalty for such a violation. It is unclear whether Hawaii law would be applied in the event of a violation. Therefore, it is recommended that on page 7 of the bill, after line 13, a subsection (f) be inserted which would read as follows:

A person who violates a valid Canadian order for protection is subject to the penalties provided in section 586-26.

Section 586-21, in turn, is recommended to be amended for conformity such that it would read as follows:

Any valid protective order, as defined in 18 U.S.C. §2266, issued by a court or tribunal of another state, tribe, or territory of the United States, or issued by a court or tribunal of Canada and recognized under chapter \_\_\_\_\_, shall be accorded full faith and credit by the courts of this State and shall be enforced as if it were an order issued in this State.

The Department appreciates the opportunity to provide its comments.

**SB-2393**

Submitted on: 2/1/2022 12:31:06 PM

Testimony for PSM on 2/3/2022 1:10:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Elizabeth Kent	Testifying for Commission to Promote Uniform Legislation	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 Senate Bill No. 2393. 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 SB 2393 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.

SB 2393 will help protect victims of domestic violence. Thank you for allowing me to testify in support of Senate Bill 2393.

Elizabeth Kent