



GOV. MSG. NO. 1123

EXECUTIVE CHAMBERS  
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.  
GOVERNOR  
KE KIA'ĀINA

April 19, 2023

The Honorable Ronald D. Kouchi  
President of the Senate,  
and Members of the Senate  
Thirty-Second State Legislature  
State Capitol, Room 409  
Honolulu, Hawai'i 96813

✓ The Honorable Scott K. Saiki  
Speaker, and Members of the  
House of Representatives  
Thirty-Second State Legislature  
State Capitol, Room 431  
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 19, 2023, the following bill was signed into law:

HB1344 HD2

RELATING TO ANGER MANAGEMENT.  
**ACT 023**

Sincerely,

Josh Green, M.D.  
Governor, State of Hawai'i

on APR 19 2023

HOUSE OF REPRESENTATIVES  
THIRTY-SECOND LEGISLATURE, 2023  
STATE OF HAWAII

H.B. NO. 1344  
H.D. 2

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## A BILL FOR AN ACT

RELATING TO ANGER MANAGEMENT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1 SECTION 1. Section 586-4, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:  
3 "(e) When a temporary restraining order is granted and the  
4 respondent or person to be restrained knows of the order, a  
5 knowing or intentional violation of the restraining order is a  
6 misdemeanor. A person convicted under this section shall  
7 ~~[undergo domestic violence intervention]~~ be ordered by the court  
8 to complete an assessment at any available domestic violence  
9 program ~~[as ordered by the court.]~~ and shall complete a domestic  
10 violence intervention or anger management course as determined  
11 by the domestic violence program. The court additionally shall  
12 sentence a person convicted under this section as follows:  
13 (1) Except as provided in paragraph (2), for a first  
14 conviction for a violation of the temporary  
15 restraining order, the person shall serve a mandatory  
16 minimum jail sentence of forty-eight hours and be  
17 fined ~~[not]~~ no less than \$150 nor more than \$500;



1           ~~[provided that the court shall not sentence a~~  
2           ~~defendant to pay a fine unless the defendant is or~~  
3           ~~will be able to pay the fine;]~~

4           (2) For a first conviction for a violation of the  
5           temporary restraining order, if the person has a prior  
6           conviction for any of the following felonies:

7           (A) Section 707-701 relating to murder in the first  
8           degree;

9           (B) Section 707-701.5 relating to murder in the  
10          second degree;

11          (C) Section 707-710 relating to assault in the first  
12          degree;

13          (D) Section 707-711 relating to assault in the second  
14          degree;

15          (E) Section 707-720 relating to kidnapping;

16          (F) Section 707-721 relating to unlawful imprisonment  
17          in the first degree;

18          (G) Section 707-730 relating to sexual assault in the  
19          first degree;

20          (H) Section 707-731 relating to sexual assault in the  
21          second degree;



- 1 (I) Section 707-732 relating to sexual assault in the  
2 third degree;
- 3 (J) Section 707-733.6 relating to continuous sexual  
4 assault of a minor under the age of fourteen  
5 years;
- 6 (K) Section 707-750 relating to promoting child abuse  
7 in the first degree;
- 8 (L) Section 708-810 relating to burglary in the first  
9 degree;
- 10 (M) Section 708-811 relating to burglary in the  
11 second degree;
- 12 (N) Section 709-906 relating to abuse of family or  
13 household members; or
- 14 (O) Section 711-1106.4 relating to aggravated  
15 harassment by stalking;
- 16 and if any of these offenses has been committed  
17 against a family or household member as defined in  
18 section 586-1, the person shall serve a mandatory  
19 minimum term of imprisonment of fifteen days and be  
20 fined ~~[not]~~ no less than \$150 nor more than \$600;  
21 ~~[provided that the court shall not sentence a~~



1           ~~defendant to pay a fine unless the defendant is or~~  
2           ~~will be able to pay the fine;]~~ and

3           (3) For the second and any subsequent conviction for a  
4           violation of the temporary restraining order, the  
5           person shall serve a mandatory minimum jail sentence  
6           of thirty days and be fined [~~not~~] no less than \$250  
7           nor more than \$1,000;

8           provided that the court shall not sentence a defendant to pay a  
9           fine unless the defendant is or will be able to pay the fine.

10           Upon conviction and sentencing of the defendant, the court  
11           shall order that the defendant immediately be incarcerated to  
12           serve the mandatory minimum sentence imposed; provided that the  
13           defendant may be admitted to bail pending appeal pursuant to  
14           chapter 804. The court may stay the imposition of the sentence  
15           if special circumstances exist.

16           The court may suspend any jail sentence, except for the  
17           mandatory sentences under paragraphs (1), (2), and (3) upon  
18           condition that the defendant remain alcohol\_ and drug-free,  
19           conviction-free, or complete court-ordered assessments or  
20           intervention. Nothing in this section shall be construed as



1 limiting the discretion of the judge to impose additional  
2 sanctions authorized in sentencing for a misdemeanor."

3 SECTION 2. Section 586-11, Hawaii Revised Statutes, is  
4 amended by amending subsection (a) to read as follows:

5 "(a) Whenever an order for protection is granted pursuant  
6 to this chapter, a respondent or person to be restrained who  
7 knowingly or intentionally violates the order for protection  
8 ~~[is]~~ shall be guilty of a misdemeanor. A person convicted under  
9 this section shall ~~[undergo domestic violence intervention]~~ be  
10 ordered by the court to complete an assessment at any available  
11 domestic violence program ~~[as ordered by the court.]~~ and shall  
12 complete a domestic violence intervention or anger management  
13 course as determined by the domestic violence program. The  
14 court additionally shall sentence a person convicted under this  
15 section as follows:

16 (1) For a first conviction for violation of the order for  
17 protection:

18 (A) That is in the nature of non-domestic abuse, the  
19 person may be sentenced to a jail sentence of  
20 forty-eight hours and be fined ~~[not]~~ no more than  
21 \$150; ~~[provided that the court shall not sentence~~



1 ~~a defendant to pay a fine unless the defendant is~~  
2 ~~or will be able to pay the fine;] or~~

3 (B) That is in the nature of domestic abuse, the  
4 person shall be sentenced to a mandatory minimum  
5 jail sentence of [~~not~~] no less than forty-eight  
6 hours and be fined [~~not~~] no less than \$150 nor  
7 more than \$500; [~~provided that the court shall~~  
8 ~~not sentence a defendant to pay a fine unless the~~  
9 ~~defendant is or will be able to pay the fine;]~~

10 (2) For a second conviction for violation of the order for  
11 protection:

12 (A) That is in the nature of non-domestic abuse, and  
13 occurs after a first conviction for violation of  
14 the same order that was in the nature of  
15 non-domestic abuse, the person shall be sentenced  
16 to a mandatory minimum jail sentence of [~~not~~] no  
17 less than forty-eight hours and be fined [~~not~~] no  
18 more than \$250; [~~provided that the court shall~~  
19 ~~not sentence a defendant to pay a fine unless the~~  
20 ~~defendant is or will be able to pay the fine;]~~



1 (B) That is in the nature of domestic abuse, and  
2 occurs after a first conviction for violation of  
3 the same order that was in the nature of domestic  
4 abuse, the person shall be sentenced to a  
5 mandatory minimum jail sentence of ~~[not]~~ no less  
6 than thirty days and be fined ~~[not]~~ no less than  
7 \$250 nor more than \$1,000; ~~[provided that the~~  
8 ~~court shall not sentence a defendant to pay a~~  
9 ~~fine unless the defendant is or will be able to~~  
10 ~~pay the fine;]~~

11 (C) That is in the nature of non-domestic abuse, and  
12 occurs after a first conviction for violation of  
13 the same order that was in the nature of domestic  
14 abuse, the person shall be sentenced to a  
15 mandatory minimum jail sentence of ~~[not]~~ no less  
16 than forty-eight hours and be fined ~~[not]~~ no more  
17 than \$250; ~~[provided that the court shall not~~  
18 ~~sentence a defendant to pay a fine unless the~~  
19 ~~defendant is or will be able to pay the fine;]~~ or

20 (D) That is in the nature of domestic abuse, and  
21 occurs after a first conviction for violation of





1 the same order that is in the nature of  
2 non-domestic abuse, the person shall be sentenced  
3 to a mandatory minimum jail sentence of ~~[not]~~ no  
4 less than forty-eight hours and be fined ~~[not]~~ no  
5 more than \$150; ~~[provided that the court shall~~  
6 ~~not sentence a defendant to pay a fine unless the~~  
7 ~~defendant is or will be able to pay the fine;]~~  
8 and

9 (3) For any subsequent violation that occurs after a  
10 second conviction for violation of the same order for  
11 protection, the person shall be sentenced to a  
12 mandatory minimum jail sentence of not less than  
13 thirty days and be fined not less than \$250 nor more  
14 than \$1,000;

15 provided that the court shall not sentence a defendant to pay a  
16 fine unless the defendant is or will be able to pay the fine.

17 Upon conviction and sentencing of the defendant, the court  
18 shall order that the defendant immediately be incarcerated to  
19 serve the mandatory minimum sentence imposed; provided that the  
20 defendant may be admitted to bail pending appeal pursuant to



1 chapter 804. The court may stay the imposition of the sentence  
2 if special circumstances exist.

3 The court may suspend any jail sentence under subparagraphs  
4 (1) (A) and (2) (C), upon condition that the defendant remain  
5 alcohol- and drug-free, conviction-free, or complete court-  
6 ordered assessments or intervention. Nothing in this section  
7 shall be construed as limiting the discretion of the judge to  
8 impose additional sanctions authorized in sentencing for a  
9 misdemeanor offense. All remedies for the enforcement of  
10 judgments shall apply to this chapter."

11 SECTION 3. Section 586-13, Hawaii Revised Statutes, is  
12 amended to read as follows:

13 "[+]§586-13[+] **Domestic violence intervention[-]; anger**  
14 **management.** Notwithstanding chapter 706 or any other law to the  
15 contrary, any sentence for a domestic violence intervention or  
16 anger management course specified by section 586-4 or section  
17 586-11 shall be imposed by the court, with or without  
18 probation."

19 SECTION 4. Section 709-906, Hawaii Revised Statutes, is  
20 amended as follows:

21 1. By amending subsection (7) to read:



1           "(7) Whenever a court sentences a person or grants a  
2 motion for deferral pursuant to subsections (5) and (6), it  
3 shall also [~~shall~~] require that the offender first complete,  
4 within a specified time frame, an assessment at any available  
5 domestic violence intervention [~~programs,~~] program, and then  
6 complete a domestic violence intervention or anger management  
7 course as determined by the domestic violence program, and, if  
8 the offense involved the presence [~~of~~] or abuse of a minor, any  
9 available parenting classes ordered by the court. The court  
10 shall revoke the defendant's probation or set aside the  
11 defendant's deferred acceptance of guilty plea and enter an  
12 adjudication of guilt, if applicable, and sentence or resentence  
13 the defendant to the maximum term of incarceration if:

- 14           (a) The defendant fails to complete, within the specified  
15 time frame, any domestic violence intervention  
16 [~~programs~~] course, anger management course, or  
17 parenting classes ordered by the court; or  
18           (b) The defendant violates any other term or condition of  
19 the defendant's probation or deferral imposed by the  
20 court;



1 provided that, after a hearing on an order to show cause, the  
2 court finds that the defendant has failed to show good cause why  
3 the defendant has not timely completed the domestic violence  
4 intervention [~~programs~~] course, anger management course, or  
5 parenting classes, if applicable, or why the defendant violated  
6 any other term or condition of the defendant's sentence.  
7 However, the court may suspend any portion of a jail sentence,  
8 except for the mandatory sentences under subsection (5) (a) and  
9 (b), upon the condition that the defendant remain arrest-free  
10 and conviction-free or complete court-ordered intervention."

11 2. By amending subsection (17) to read:

12 "(17) When a person is ordered by the court to complete  
13 any domestic violence intervention [~~programs~~] course, anger  
14 management course, or parenting classes, that person shall  
15 provide adequate proof of compliance with the court's order.  
16 The court shall order a subsequent hearing at which the person  
17 is required to make an appearance, on a date certain, to  
18 determine whether the person has completed the ordered domestic  
19 violence intervention [~~programs~~] course, anger management  
20 course, or parenting classes. The court may waive the  
21 subsequent hearing and appearance where a court officer has



1 established that the person has completed the intervention  
2 ordered by the court."

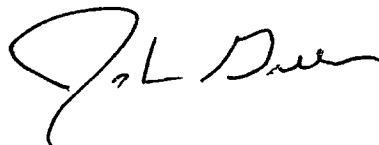
3 SECTION 5. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

6 SECTION 6. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 7. This Act shall take effect upon its approval;  
9 provided that the amendments made to section 709-906, Hawaii  
10 Revised Statutes, by section 3 of this Act shall not be repealed  
11 when that section is reenacted on June 30, 2026, pursuant to:

- 12 (1) Section 15 of Act 19, Session Laws of Hawaii 2020; and  
13 (2) Section 4 of Act 238, Session Laws of Hawaii 2021.

**APPROVED this 19th day of April , 2023**



**GOVERNOR OF THE STATE OF HAWAII**



HB No. 1344, HD 2

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 7, 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Scott K. Saiki  
Speaker  
House of Representatives



Brian L. Takeshita  
Chief Clerk  
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: APR 05 2023  
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2023.



Ronald D. Kouchi  
President of the Senate



Carol T. Taniguchi  
Clerk of the Senate