

Honolulu, Hawaii

APR 27 2023

RE: S.B. No. 933
S.D. 1
H.D. 1
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 933, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TEMPORARY RESTRAINING ORDERS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Authorize the family courts to allow petitioners to attend temporary restraining order (TRO) hearings remotely upon request;
- (2) Require the courts to consider certain factors; and
- (3) Require the courts to allow petitioners who allege domestic abuse to attend TRO hearings remotely.



Your Committee on Conference finds that though TRO petitions are initially acted upon by a family court judge without a court hearing, a mandatory hearing is held within fifteen days of a TRO being granted in order to determine whether the TRO should remain in effect. The adversarial nature of the legal system requires petitioners who have received TROs to face their alleged abusers in court during these hearings. Your Committee on Conference also finds that, notwithstanding the safety protocols that the Judiciary takes to protect parties during in-person TRO hearings, the physical presence of the parties within the same room may allow for respondents to intimidate petitioners through words or body language. This measure allows petitioners who allege domestic abuse to attend TRO hearings remotely, which will promote greater safety, economic justice, and equitable access to the courts for victims of domestic abuse.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the court shall allow the petitioner to attend the hearing remotely if the petitioner's allegations include at least one allegation of domestic abuse as defined in section 586-1, Hawaii Revised Statutes; and in cases where the petitioner's allegations do not include at least one allegation of domestic abuse, the court may allow the petitioner to attend the hearing remotely, with consideration of factors such as the petitioner's lack of transportation, child care, and paid time off, as well as the petitioner's fear of the respondent's presence; and
- (2) Making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 933, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 933, S.D. 1, H.D. 1, C.D. 1.



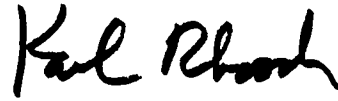
Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



DAVID A. TARNAS
Chair

ON THE PART OF THE SENATE



KARL RHOADS
Chair



Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 933, SP2, NO 1	Date/Time: 4/26/23 ; 3:21pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, KARL, CHR.	✓				TARNAS, DAVID A., CHR.	✓			
GABBARD, MIKE	✓				TAKAYAMA, GREGG	✓			
AWA, BRENTON	✓				SOUZA, KANANI	✓			
TOTAL	3	0	0	0	TOTAL	3	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is:
 Adopted Not Adopted

House Recommendation is:
 Adopted Not Adopted

Senate Lead Chair's or Designee's Signature:


House Lead Chair's or Designee's Signature:


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