

ACT 23

H.B. NO. 1344

A Bill for an Act Relating to Anger Management.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 586-4, Hawaii Revised Statutes, is amended by amending subsection (e) to read as follows:

“(e) When a temporary restraining order is granted and the respondent or person to be restrained knows of the order, a knowing or intentional violation of the restraining order is a misdemeanor. A person convicted under this section shall [undergo domestic violence intervention] be ordered by the court to complete an assessment at any available domestic violence program [as ordered by the court.] and shall complete a domestic violence intervention or anger management course as determined by the domestic violence program. The court additionally shall sentence a person convicted under this section as follows:

- (1) Except as provided in paragraph (2), for a first conviction for a violation of the temporary restraining order, the person shall serve a mandatory minimum jail sentence of forty-eight hours and be fined [not] no less than \$150 nor more than \$500; [provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine.]
- (2) For a first conviction for a violation of the temporary restraining order, if the person has a prior conviction for any of the following felonies:

- (A) Section 707-701 relating to murder in the first degree;
- (B) Section 707-701.5 relating to murder in the second degree;
- (C) Section 707-710 relating to assault in the first degree;
- (D) Section 707-711 relating to assault in the second degree;
- (E) Section 707-720 relating to kidnapping;
- (F) Section 707-721 relating to unlawful imprisonment in the first degree;
- (G) Section 707-730 relating to sexual assault in the first degree;
- (H) Section 707-731 relating to sexual assault in the second degree;
- (I) Section 707-732 relating to sexual assault in the third degree;
- (J) Section 707-733.6 relating to continuous sexual assault of a minor under the age of fourteen years;
- (K) Section 707-750 relating to promoting child abuse in the first degree;
- (L) Section 708-810 relating to burglary in the first degree;
- (M) Section 708-811 relating to burglary in the second degree;
- (N) Section 709-906 relating to abuse of family or household members; or
- (O) Section 711-1106.4 relating to aggravated harassment by stalking;

and if any of these offenses has been committed against a family or household member as defined in section 586-1, the person shall serve a mandatory minimum term of imprisonment of fifteen days and be fined ~~not~~ no less than \$150 nor more than \$600; ~~provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;~~ and

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

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

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

The court may suspend any jail sentence, except for the mandatory sentences under paragraphs (1), (2), and (3) upon condition that the defendant remain alcohol- and drug-free, conviction-free, or complete court-ordered assessments or intervention. Nothing in this section shall be construed as limiting the discretion of the judge to impose additional sanctions authorized in sentencing for a misdemeanor.”

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

“(a) Whenever an order for protection is granted pursuant to this chapter, a respondent or person to be restrained who knowingly or intentionally violates the order for protection [is] shall be guilty of a misdemeanor. A person convicted under this section shall ~~[undergo domestic violence intervention]~~ be ordered by the court to complete an assessment at any available domestic violence program ~~[as ordered by the court.]~~ and shall complete a domestic violence intervention or anger management course as determined by the domestic vio-

lence program. The court additionally shall sentence a person convicted under this section as follows:

- (1) For a first conviction for violation of the order for protection:
 - (A) That is in the nature of non-domestic abuse, the person may be sentenced to a jail sentence of forty-eight hours and be fined ~~[not] no~~ more than \$150; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;] or~~
 - (B) That is in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ less than \$150 nor more than \$500; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
- (2) For a second conviction for violation of the order for protection:
 - (A) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$250; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
 - (B) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than thirty days and be fined ~~[not] no~~ less than \$250 nor more than \$1,000; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;]~~
 - (C) That is in the nature of non-domestic abuse, and occurs after a first conviction for violation of the same order that was in the nature of domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$250; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;] or~~
 - (D) That is in the nature of domestic abuse, and occurs after a first conviction for violation of the same order that is in the nature of non-domestic abuse, the person shall be sentenced to a mandatory minimum jail sentence of ~~[not] no~~ less than forty-eight hours and be fined ~~[not] no~~ more than \$150; ~~[provided that the court shall not sentence a defendant to pay a fine unless the defendant is or will be able to pay the fine;] and~~
- (3) For any subsequent violation that occurs after a second conviction for violation of the same order for protection, the person shall be sentenced to a mandatory minimum jail sentence of not less than thirty days and be fined not less than \$250 nor more than \$1,000;

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

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

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

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

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

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

1. By amending subsection (7) to read:

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

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

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

2. By amending subsection (17) to read:

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

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

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

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

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

(Approved April 19, 2023.)

Note

1. So in original.