

HB2425 HD1

Measure Title:	RELATING TO DOMESTIC ABUSE
Report Title:	Domestic Abuse; Coercive Control; Insurance Policies; Protective Orders
Description:	Amends the definition of "domestic abuse" under Hawaii's insurance laws and laws relating to domestic abuse protective orders to include coercive control between family or household members. Defines "coercive control". Effective 7/1/2050. (HD1)
Companion:	
Package:	None
Current Referral:	CPH, JDC/WAM
Introducer(s):	SAIKI (Introduced by request of another party)



June 21, 2020

Members of the Senate Commerce, Consumer Protection, and Health:

Chair Sen. Rosalyn H. Baker
Vice Chair Stanley Chang
Sen. Kurt Fevella
Sen. Clarence K. Nishihara
Sen. Russell Ruderman
Sen. Laura Thielen
Sen. Glen Wakai

Re: HB2425 HD1 Relating to Domestic Violence.

Dear Chair Baker, Vice Chair Change and Members of the Senate Commerce, Consumer Protection, and Health:

The Hawaii State Coalition Against Domestic Violence (HSCADV) engages communities and organizations to end domestic violence through education, advocacy, and action for social justice. HSCADV is a private, not-for-profit organization and is a statewide partnership of domestic violence programs and shelters.

On behalf of the Hawaii State Coalition Against Domestic Violence (HSCADV) and our 23 member programs, representing 12 organizations statewide, I respectfully submit this testimony in support of HB2425 HD1 which would amend the definition of “domestic abuse” under Hawaii’s insurance laws and laws relating to domestic abuse protective orders to include “coercive control” between family or household members.

By adding the new definition of “coercive control,” victims of non-physical violence will be more empowered to pursue legal protection, such as temporary restraining orders, from their abusers. Under the current petition for an order for protection, victims can claim their abuse under the “domestic violence” definition in HRS §709-906 which includes physical harm, bodily injury, assault, the threat of imminent physical harm, extreme psychological abuse, or malicious property damage between family or household members. With the addition of “coercive control,” victims who have been victimized in other ways such as being isolated from friends and family, controlling how much money the individual has access to, and monitoring the individual’s activities and communications, can gain more legal protections without feeling pressured to provide evidence of physical or bodily injury. Many domestic violence victims throughout Hawaii are abused without any physical proof and believe that they cannot obtain any protective order because their abuse does not meet the current legal standard of abuse. The “coercive control”



definition would apply to many victims and would encourage them to come forward and seek a legal safety net for themselves and their loved ones.

Another benefit of HB2425 HD1 is that it provides another legal protection for victims on the prosecutorial level at sentencing. The Department of the Prosecuting Attorney City and County of Honolulu refers to the definition of domestic abuse when determining sentencing, pursuant to HRS §586-11.

HSCADV supports the passage of this bill. Thank you for the opportunity to submit testimony on this important matter.

Sincerely,

Angelina Mercado
Executive Director, Hawaii State Coalition Against Domestic Violence



To: Chair Baker
Vice Chair Chang
Members of the Committee
Fr: Nanci Kreidman, M.A.
Chief Executive Officer
Re: HB 2425 HD1 SD1; Support

Aloha. Thank you for placing this Bill on the agenda for discussion and deliberation. We have learned so much about the crime of domestic violence these last 30 years. There are many and varied ways used to harass or control partners, that had not been considered domestic violence, by definition.

It is important for us to name the behaviors and hold abusers accountable for their perpetration of abuse, even when it doesn't leave a visible bruise.

This has the potential, of course, to arouse resistance and controversy. Those of us who have been working with survivors recognize the behavior included in this Bill, and have heard it described multiple times by many clients. It is clearly time to believe victims when they describe the lengths their abusers go to control them, isolate them, restrain them from contact with family and friends, withhold resources, threaten them, and harass them into obedience. It is when we face the dark and hidden behaviors that we can effectively address the epidemic we see at schools,

DOMESTIC VIOLENCE ACTION CENTER
ADDRESS: P.O. BOX 3198, HONOLULU, HI 96801-3198
LEGAL HELPLINE: (808) 531-3771
TOLL-FREE NEIGHBOR ISLAND HELPLINE: (800) 690-6200
WEBSITE: WWW.DOMESTICVIOLENCEACTIONCENTER.ORG
EMAIL: DVAC@STOPTHEVIOLENCE.ORG



businesses, medical settings, courtrooms, churches, community based organizations, therapists offices and domestic violence shelters.

We shall look forward to favorable action on HB 2425 HD1 SD1. Thank you.

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TO: Chair Baker, Vice Chair Chang, and Members of the Senate Committee on Consumer Protection and Health

FROM: Ryan Kusumoto, President & CEO of Parents And Children Together (PACT)

DATE/LOCATION: June 23, 2020; 10:15 a.m., Conference Room 229

RE: TESTIMONY IN SUPPORT OF HB 2425 SD1 Proposed – RELATING TO DOMESTIC ABUSE

We urge you to support HB 2425 SD1 Proposed which amends the definition of "domestic abuse" under Hawaii's insurance laws and laws relating to domestic abuse protective orders to include coercive control between family or household members and defines "coercive control".

Under current law, many survivors of domestic abuse are not protected from the harassment, control and abuse they have endured, particularly if the abuse doesn't leave a visible bruise or mark. The inclusion of language that describes physical, verbal, psychological, economic and mental abuse tactics, as well as threats and intimidation, isolation and single or repeated hostile, controlling and threatening acts will help to appropriately define and reflect the tactics used by abusers to exert power and control over victims. Domestic violence survivors not only endure the trauma of the abuse itself but are often left to deal with picking up the pieces in the wake of the drama and destruction without full protection from our justice system. This bill would support survivors by validating their experiences and making it possible to hold offenders accountable.

Founded in 1968, Parents And Children Together (PACT) is one of Hawaii's not-for-profit organizations providing a wide array of innovative and educational social services to families in need. Assisting more than 15,000 people across the state annually, PACT helps families identify, address and successfully resolve challenges through its 18 programs. Among its services are: early education programs, domestic violence prevention and intervention programs, child abuse prevention and intervention programs, childhood sexual abuse supportive group services, child and adolescent behavioral health programs, sex trafficking intervention, and poverty prevention and community building programs.

Thank you for the opportunity to testify in **support of HB 2425 SD 1 Proposed**, please contact me at (808) 847-3285 or rkusumoto@pacthawaii.org if you have any questions.

HB-2425-HD-1

Submitted on: 6/22/2020 10:35:05 AM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Katrina Obleada	Testifying for Hawaii Psychological Association	Support	No

Comments:

Barbara Gerbert, PhD
Joshua Gerbert, DPM

59-120 Laninui Drive
PO Box 44505
Kamuela, HI 96743

June 20, 2020

Dear Senator Ros Baker, Chair and Senator Stanley Chang, Vice Chair
Committee on Consumer Protection and Health

**Position on HB2425 HD1: Support and request to give a hearing to
HB2425**

My name is Joshua Gerbert, DPM, a board certified foot and ankle surgeon who practiced in San Francisco for 45 years before retiring to the Big Island 7.5 years ago. In my practice I had the occasion of seeing women who were coercively abused and discovered that there were no laws that protected them.

I am writing to express my support of Bill HB 2425 HD1 in that it is long overdue. The trauma these women experience is as severe as physical abuse.

Thank you for the opportunity to testify on this Bill.

Sincerely,

Joshua Gerbert, DPM, FACFAS
59-210 Laninui Drive
Kamuela, HI 96743

Position on HB 2425: Support

HB-2425-HD-1

Submitted on: 6/20/2020 4:59:51 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Barbara Ota	Individual	Support	No

Comments:

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND HEALTH

Senator Rosalyn H. Baer, Chair and Senator Stanley Chang, Vice-Chair

March 17th, 2020

Tuesday, 11:00 a.m.

Testimony in Support of HB2425 HD1

To the Honorable Chair, Rosalyn Baker and the Honorable Vice Chair Stanley Chang and Members of the Senate CPH Committee:

I am Dr. Barbara Ota, DACM, DAc, a resident of the Big Island, current President of the Hawaii Acupuncture Association, I am long time advocate in my professional and private life here in Hawaii, to protect the public from the insidiousness and reality of domestic abuse in all its forms in our State of Hawaii. Please, support HB2425 HD1 and help in the protection for all members of our families. Coercive control and all its definitions clarify abuse and will provide means for our citizens' to live in a viable, safe environment in the State of Hawaii. Thank you for allowing me to testify in SUPPORT of HB2425 HD1.

Barbara Ota, DACM, DAc

HB-2425-HD-1

Submitted on: 6/20/2020 5:46:56 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Benton Kealii Pang, Ph.D.	Individual	Support	No

Comments:

HB-2425-HD-1

Submitted on: 6/21/2020 11:28:10 AM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Deborah Thompson	Individual	Support	No

Comments:

HB-2425-HD-1

Submitted on: 6/21/2020 6:55:43 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
nanci kreidman	Individual	Support	No

Comments:

Mahalo for your favorable action on this Bill.

as coronavirus and stay at home directive has impacted victims and survivors, new tactics of coercive control have been employed by abusers.

thank you

HB-2425-HD-1

Submitted on: 6/21/2020 4:17:42 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Eileen M Gawrys	Individual	Support	No

Comments:

Aloha. We have learned so much about the crime of domestic violence these last 30 years. There are many and varied ways used to harass or control partners, that had not been considered domestic violence, by definition. It is important for us to name the behaviors and hold abusers accountable for their perpetration of abuse, even when it doesn't leave a visible bruise. This has the potential, of course, to arouse resistance and controversy. Those of us who have been working with survivors recognize the behavior included in this Bill, and have heard it described multiple times by many clients. It is clearly time to believe victims when they describe the lengths their abusers go to control them, isolate them, restrain them from contact with family and friends, withhold resources, threaten them, and harass them into obedience. It is when we face the dark and hidden behaviors that we can effectively address the epidemic we see at schools, businesses, medical settings, courtrooms, churches, community based organizations, therapists offices and domestic violence shelters.

We shall look forward to favorable action on HB 2425. Thank you.

Jeanne Y. Ohta

June 23, 2020

To: Senator Rosalyn Baker, Chair,
Senator Stanley Chang, Vice Chair, and
Members of the Committee on Commerce, Consumer Protection, and Health

From: Jeanne Ohta

RE: HB2425 HD1, Proposed SD1 Relating to Domestic Abuse
Tuesday, June 23, 2020, 10:15 a.m.

Position: Support (suggest adding threats against pets)

I write in support of SB 2425 HD1, Proposed SD1, which defines acts that will constitute “coercive control” between family or household members. This measure recognizes that there are forms of abuse other than physical abuse. These other forms do not leave scars or bruises, but nonetheless, exert power and control over victims.

I propose adding threats to harm or kill the individual’s pets or family pets to the acts that constitute coercive control. These threats have been used to exert power and control over domestic violence survivors.

Please pass this important measure. Thank you for this opportunity to provide testimony.

J. Robert Diehl
Constituent

67-1280 Kamaloo St.
Kamuela, HI 96743

June 22, 2020

Dear Honorable Chair Senator Baker and Vice Chair Senator Chang

Position on HB2425: Support

I am writing to express my support of bill HB2425.

I believe every household in HAWAII deserves to be free of coercive control. As the author of this testimony I plan to do my part to make it so. The enactment of this bill will help to reduce coercive control within the household by allowing it to be identified as domestic violence and dealt with in the same measures.

Thank you for the opportunity to testify on this Bill.

Sincerely,

J. Robert Diehl
Constituent

Position on HB2425: Support

Debra Diehl
Constituent

67-1280 Kamaloo St.
Kamuela, HI 96743

June 22, 2020

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Thank you for the opportunity to testify on this Bill.

Sincerely,

Debra Diehl
Constituent

Position on HB2425: Support

HB-2425-HD-1

Submitted on: 6/22/2020 8:40:01 AM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
ANITA MICELI	Individual	Support	No

Comments:

June 22, 2020

Dear Senator Ros Baker, Chair and Senator Stanley Chang, Vice Chair Committee on Consumer Health:

Position on HB2425 HDI: Support and request to give a hearing toHB2425

Aloha, My name is Anita Miceli, I have lived on the Island of Hawai'i for 20 years and have been employed in the Food and Beverage Industry for most of this time. I have worked alongside hundreds of women and have heard countless accounts from some of them regarding their fearful, coercive and abusive encounters with their boyfriends or husbands. This issue is a great challenge here in Hawai'i, as I have witnessed first-hand, and I am hopeful that this step our state politicians will take on Tuesday to pass Bill 2425 will begin to address this extremely important human rights issue regarding women feeling safe to speak out about coercive abuse without feeling shamed.

Thank you for your time and consideration.

Warm regards,

Anita Miceli

LATE

HB-2425-HD-1

Submitted on: 6/22/2020 5:55:54 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Shawn Benton	Testifying for DVAC	Support	No

Comments:

I am a current member of the Board of Directors for the Domestic Violence Action Center and support HB2425 HD1 SD1 Relating to Domestic Abuse, to include and define "coercive control". Thank you for your support in moving this Bill forward.

HB-2425-HD-1

Submitted on: 6/22/2020 3:43:04 PM

Testimony for CPH on 6/23/2020 10:15:00 AM

LATE

Submitted By	Organization	Testifier Position	Present at Hearing
aimee chung	Individual	Support	No

Comments: