

STAND. COM. REP. NO.

1208

Honolulu, Hawaii

APR 09 2009

RE: H.B. No. 1512
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred H.B. No. 1512, H.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to allow a family court judge to issue an ex parte temporary restraining order without notice to:

- (1) Grant exclusive care of a pet animal or equine animal to a party; and
- (2) Restrain the noncustodial party or person to be restrained from visiting, taking, concealing, threatening, physically abusing, or otherwise disposing of any pet animal or equine animal whose exclusive care has been granted to a protected party.

Your Committee received testimony in support of this measure from several entities and individuals. The Family Law Section of the Hawaii State Bar Association submitted testimony in opposition. Testimony submitted to the Committee may be viewed on the Legislature's website.

Your Committee finds that pet animals have become an object of contention between parties in situations involving domestic abuse. The intent of this measure is to ensure the safety of



animals. The Hawaii State Bar Association's Family Law Section, however, testified that this measure as received could create problems that could actually hurt victims of domestic violence, and could be misused by the parties in contentious divorce cases.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying that the court may restrain both parties from taking, concealing, removing, threatening, physically abusing, or otherwise disposing of any pet animal or equine animal that is part of the family or in the household;
- (2) Changing the effective date to July 1, 2050 to continue consideration of the objections of the Hawaii State Bar Association's Family Law Section; and
- (3) Making technical, nonsubstantive amendments for the purpose of clarity and style, and to correct an erroneous statutory cross-reference.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1512, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1512, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Government Operations,



BRIAN T. TANIGUCHI, Chair



