
A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE ORDERS.

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

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
2 amended by amending subsection (4) to read as follows:

3 "(4) Any police officer, with or without a warrant, may
4 take the following course of action where the officer has
5 reasonable grounds to believe that there was physical abuse or
6 harm inflicted by one person upon a family or household member,
7 regardless of whether the physical abuse or harm occurred in the
8 officer's presence:

9 (a) The police officer may make reasonable inquiry of the
10 family or household member upon whom the officer
11 believes physical abuse or harm has been inflicted and
12 other witnesses as there may be;

13 (b) Where the police officer has reasonable grounds to
14 believe that there is probable danger of further
15 physical abuse or harm being inflicted by one person
16 upon a family or household member, the police officer
17 lawfully [~~may~~] shall order the person to leave the
18 premises for a period of separation of twenty-four



1 hours, during which time the person shall not initiate
2 any contact, either by telephone or in person, with
3 the family or household member; provided that the
4 person is allowed to enter the premises with police
5 escort to collect any necessary personal effects;

6 (c) Where the police officer makes the finding referred to
7 in paragraph (b) and the incident occurs after 12:00
8 p.m. on any Friday, or on any Saturday, Sunday, or
9 legal holiday, the order to leave the premises and to
10 initiate no further contact shall commence immediately
11 and be in full force, but the twenty-four hour period
12 shall be enlarged and extended until 4:30 p.m. on the
13 first day following the weekend or legal holiday;

14 (d) All persons who are ordered to leave as stated above
15 shall be given a written warning citation stating the
16 date, time, and location of the warning and stating
17 the penalties for violating the warning. A copy of
18 the warning citation shall be retained by the police
19 officer and attached to a written report which shall
20 be submitted in all cases. A third copy of the
21 warning citation shall be given to the abused person;



1 (e) If the person so ordered refuses to comply with the
2 order to leave the premises or returns to the premises
3 before the expiration of the period of separation, or
4 if the person so ordered initiates any contact with
5 the abused person, the person shall be placed under
6 arrest for the purpose of preventing further physical
7 abuse or harm to the family or household member; and
8 (f) The police officer may seize all firearms and
9 ammunition that the police officer has reasonable
10 grounds to believe were used or threatened to be used
11 in the commission of an offense under this section."

12 SECTION 2. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Domestic Abuse Orders

Description:

Requires a police officer to order a person to have no contact with a family or household member for a twenty-four hour period, or longer if the incident occurs on the weekend, when a police officer has reasonable grounds to believe that there is probable danger of further physical abuse or harm to the family or household member. (Proposed SD1)

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