

STAND. COM. REP. NO.

1330

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 587  
H.D. 1  
S.D. 1

Honorable Donna Mercado Kim  
President of the Senate  
Twenty-Seventh State Legislature  
Regular Session of 2013  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 587, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend section  
709-906, Hawaii Revised Statutes, to include persons in a dating  
relationship as family or household members for the purposes of  
prohibiting physical abuse of family or household members.

Your Committee received testimony in support of this measure  
from the Kauai Chamber of Commerce. Testimony in opposition to  
this measure was submitted by the Office of the Public Defender.

Your Committee finds that domestic violence is a public  
health epidemic and this measure assists in addressing this  
epidemic by expanding the definition of "family or household  
member" to include persons in a dating relationship.

Existing law requires a police officer to order a person to  
leave the premises for a period of separation of twenty-four hours  
if the police officer has reasonable grounds to believe that there  
is probable danger of further physical abuse or harm being  
inflicted by the person upon a family or household member. Your  
Committee further finds that this twenty-four hour no contact  
period is beneficial to domestic violence victims because it  
creates a safe period in which the victim may seek refuge in a



shelter or use other safety options. A no contact order has the same effect as a temporary restraining order, but victims may use a no contact order when the courts are closed then follow up their request for a temporary restraining order using a no contact order issued by the police as justification. Thus, your Committee believes that increasing the no contact period from twenty-four to four-eight hours will provide victims a longer safe period to seek refuge or assistance.

Accordingly, your Committee has amended this measure by:

- (1) Adding language to increase from twenty-four to forty-eight hours the no contact period, during which a person is required by a police officer to stay away from a family or household member if the police officer has reasonable grounds to believe that a family or household member is in probable danger of further physical abuse or harm being inflicted by the person;
- (2) Inserting an effective date of July 1, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 587, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 587, 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  
Labor



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CLAYTON HEE, Chair



