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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is  
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) It shall be unlawful for any person, singly or in  
5 concert, to physically abuse a family or household member or to  
6 refuse compliance with the lawful order of a police officer  
7 under subsection (4). The police, in investigating any  
8 complaint of abuse of a family or household member, upon  
9 request, may transport the abused person to a hospital or safe  
10 shelter.

11 For the purposes of this section, "family or household  
12 member" means spouses or reciprocal beneficiaries, former  
13 spouses or reciprocal beneficiaries, persons in a dating  
14 relationship as defined under section 586-1, persons who have a  
15 child in common, parents, children, persons related by  
16 consanguinity, and persons jointly residing or formerly residing  
17 in the same dwelling unit."



1           2. By amending subsection (4) to read:

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

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

12           (b) Where the police officer has reasonable grounds to  
13 believe that there is probable danger of further  
14 physical abuse or harm being inflicted by one person  
15 upon a family or household member, the police officer  
16 lawfully shall order the person to leave the premises  
17 for a period of separation of [~~twenty-four~~] forty-  
18 eight hours, during which time the person shall not  
19 initiate any contact, either by telephone or in  
20 person, with the family or household member; provided  
21 that the person is allowed to enter the premises with



1 police escort to collect any necessary personal  
2 effects;

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

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

20 (e) If the person so ordered refuses to comply with the  
21 order to leave the premises or returns to the premises  
22 before the expiration of the period of separation, or



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

9 SECTION 2. This Act does not affect rights and duties that  
10 matured, penalties that were incurred, and proceedings that were  
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

**Report Title:**

Penal Code; Abuse of Family or Household Members; No Contact Orders

**Description:**

Amends the penal code to include persons in a dating relationship as family or household members for purposes of prohibiting physical abuse of family or household members. Increases the period of separation from twenty-four to forty-eight hours that a police officer is required to order a person 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. (HB587 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

