

JAN 17 2014

A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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 shall order the person to leave the premises
18 for a period of separation of forty-eight hours,



1 during which time the person shall not initiate any
2 contact, either by telephone or in person, with the
3 family or household member; provided that the person
4 is allowed to enter the premises with police escort to
5 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, or if the forty-eight hour period
10 expires on any Saturday, Sunday, or legal holiday, the
11 order to leave the premises and to initiate no further
12 contact shall commence immediately and be in full
13 force, but the forty-eight hour period shall be
14 enlarged and extended until 4:30 p.m. on the [~~first~~]
15 second business day following the weekend or legal
16 holiday;

17 (d) All persons who are ordered to leave as stated above
18 shall be given a written warning citation stating the
19 date, time, and location of the warning and stating
20 the penalties for violating the warning. A copy of
21 the warning citation shall be retained by the police
22 officer and attached to a written report which shall



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

14 SECTION 2. This Act does not affect rights and duties that
 15 matured, penalties that were incurred, and proceedings that were
 16 begun before its effective date.

17 SECTION 3. Statutory material to be repealed is bracketed
 18 and stricken. New statutory material is underscored.

19 SECTION 4. This Act shall take effect upon its approval.
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INTRODUCED BY: *Sen. Dick Ogawa*
Randy de Bevoise
Gilbert Garcia
Neil N. M.



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S.B. NO. 2401

Report Title:

Period of Separation; Abuse; Family or Household Member

Description:

Extends the period of separation that a police officer can order under suspicion of physical abuse or harm to 4:30 p.m. on the second business day following the weekend or legal holiday if the forty-eight hour period of separation expires on any Saturday, Sunday, or legal holiday or if the incident occurs after 12:00 p.m. on any Friday, or on any Saturday, Sunday, or legal holiday.

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

