July 9, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawai‘i 96813

The Honorable Joseph M. Souki,  
Speaker and Members of the  
House of Representatives  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawai‘i 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

This is to inform you that on July 9, 2015, the following bill was signed into law:

SB226 SD2 HD1 RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER  
ACT 221 (15)

Sincerely,

DAVID Y. IGE  
Governor, State of Hawai‘i
BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

1. By amending subsection (1) to read:

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

For the purposes of this section[, "family":

"Business day" means any calendar day, except Saturday, Sunday, or any state holiday.

"Family or household member" means spouses or reciprocal beneficiaries, former spouses or reciprocal beneficiaries, persons in a dating relationship as defined under section 586-1, persons who have a child in common, parents, children, persons
related by consanguinity, and persons jointly residing or
formerly residing in the same dwelling unit."

2. By amending subsection (4) to read:

"(4) Any police officer, with or without a warrant, shall
take the following course of action, regardless of whether the
physical abuse or harm occurred in the officer's presence:

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

(b) The police officer lawfully shall order the person who
the police officer reasonably believes to have
inflicted the abuse to leave the premises for a period
of separation [of forty-eight hours], during which
time the person shall not initiate any contact, either
by telephone or in person, with the family or
household member; provided that the person is allowed
to enter the premises with police escort to collect
any necessary personal effects[+]. The period of
separation shall commence when the order is issued and
shall expire at 6:00 p.m. on the second business day
following the day the order was issued; provided that
the day the order is issued shall not be included in
the computation of the two business days;

(c) When the incident occurs after 12:00 p.m. on any
Friday, or on any Saturday, Sunday, or legal holiday,
the order to leave the premises and to initiate no
further contact shall commence immediately and be in
full force, but the forty-eight-hour period shall be
enlarged and extended until 4:30 p.m. on the first day
following the weekend or legal holiday;

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

(d) If the person so ordered refuses to comply with
the order to leave the premises or returns to the
premises before the expiration of the period of separation, or if the person so ordered initiates any contact with the abused person, the person shall be placed under arrest for the purpose of preventing further physical abuse or harm to the family or household member; and

(e) The police officer shall seize all firearms and ammunition that the police officer has reasonable grounds to believe were used or threatened to be used in the commission of an offense under this section."

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

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

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

APPROVED this 9 day of JUL , 2015

GOVERNOR OF THE STATE OF HAWAII