

STAND. COM. REP. NO.

587

Honolulu, Hawaii

MAR 05 2015

RE: S.B. No. 226

S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 226, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO ABUSE OF FAMILY OR HOUSEHOLD
MEMBER,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Add the definition of "business day" to the offense of
abuse of family or household members; and
- (2) Repeal the forty-eight hour no contact provision and
specify that the period of separation that a police
officer shall order for the person whom the police
officer reasonably believes to have inflicted the abuse
of a family or household member commences when the order
is issued and expires at 6:00 p.m. on the second
business day following the day the order was issued.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, County of Maui
and three individuals.

Your Committee finds that the intent of the forty-eight hour
period of separation in cases of actual or probable family or
household abuse is to keep the abuser or potential abuser away
from the victim and give the victim time to get a restraining
order and find a safe shelter. However, under existing law, when

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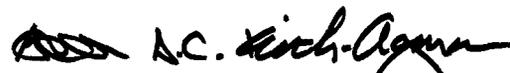
the abuse occurs at certain times or on certain days, the victim does not receive the benefit of the forty-eight hour separation period or does not have sufficient time to obtain a restraining order or shelter because government agencies and many private organizations are closed on weekends and holidays. This measure will give abuse victims additional time to get help and legal protection by extending the period of separation that a police officer shall order under specified circumstances.

Your Committee has amended this measure by:

- (1) Adding language to clarify that the day the no contact order is issued by the police officer shall not be included in the computation of the two business days during which the period of separation is effective; and
- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

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 S.B. No. 226, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 226, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,



GILBERT S.C. KEITH-AGAPAN, Chair



