

STAND. COM. REP. NO.

1341

Honolulu, Hawaii

MAR 15 , 2019

RE: S.B. No. 1047
S.D. 1
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred S.B. No. 1047, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to establish a five-year pilot project to strengthen state and county responses to domestic violence and increase offender accountability by:

- (1) Amending the offense of abuse of family or household members to provide for a lesser included petty misdemeanor offense and penalties;
- (2) Allowing first-time offenders charged with the misdemeanor or petty misdemeanor offense of abuse of a family or household member to enter a deferred acceptance of guilty, or no contest; and
- (3) Requiring data collection and reporting by county police departments, prosecutors, and the Judiciary on the number of arrests, charges, and convictions relating to domestic violence to determine the effectiveness of the pilot project.



The Judiciary, Office of the Public Defender, Hawai'i State Commission on the Status of Women, Honolulu Police Department, Domestic Violence Action Center, American Association of University Women of Hawaii, LGBT Caucus of the Democratic Party of Hawai'i, Parents And Children Together, Hawaii State Coalition Against Domestic Violence, Hawaii Women's Coalition, and an individual supported this measure. Department of the Prosecuting Attorney of the City and County of Honolulu supported the intent of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Clarifying the elements of the petty misdemeanor offense of abuse of family or household members and sentencing provisions;
- (2) Inserting language which requires the court to impose the maximum sentence of incarceration for failure to complete a required domestic violence intervention program or parenting classes, or violation of any other condition of a deferred sentence or probation;
- (3) Clarifying the provisions which allow persons charged with the misdemeanor or petty misdemeanor offense of abuse of a family or household member to enter a deferred acceptance of guilty plea, including by deleting language which may have allowed a defendant to receive a new deferral every five years; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Homelessness that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1047, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1047, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.



Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Homelessness,



JOY A. SAN BUENAVENTURA, Chair



