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# A BILL FOR AN ACT

RELATING TO DOMESTIC ABUSE.

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

- 1           SECTION 1. Section 431:10-217.5, Hawaii Revised Statutes,  
2 is amended by amending subsection (e) to read as follows:
- 3           "(e) As used in this section, "domestic abuse" means:
- 4           (1) Physical harm, bodily injury, assault, or the  
5           infliction of fear of imminent physical harm, bodily  
6           injury, or assault between family or household  
7           members;
- 8           (2) Sexual assault of one family or household member by  
9           another;
- 10          (3) Stalking of one family or household member by another  
11          family or household member; [~~or~~]
- 12          (4) Intentionally, knowingly, or recklessly causing damage  
13          to property so as to intimidate or attempt to control  
14          the behavior of another household member [~~or~~]; or
- 15          (5) Emotional abuse, as defined in section 586-1, between  
16          family or household members."



1 SECTION 2. Section 432:1-101.6, Hawaii Revised Statutes,  
2 is amended by amending subsection (e) to read as follows:

3 "(e) As used in this section, "domestic abuse" means:

4 (1) Physical harm, bodily injury, assault, or the  
5 infliction of fear of imminent physical harm, bodily  
6 injury, or assault between family or household  
7 members;

8 (2) Sexual assault of one family or household member by  
9 another;

10 (3) Stalking of one family or household member by another  
11 family or household member; [~~or~~]

12 (4) Intentionally, knowingly, or recklessly causing damage  
13 to property so as to intimidate or attempt to control  
14 the behavior of another household member~~[-]~~; or

15 (5) Emotional abuse, as defined in section 586-1, between  
16 family or household members."

17 SECTION 3. Section 432:2-103.5, Hawaii Revised Statutes,  
18 is amended by amending subsection (e) to read as follows:

19 "(e) As used in this section, "domestic abuse" means:

20 (1) Physical harm, bodily injury, assault, or the  
21 infliction of fear of imminent physical harm, bodily



- 1 injury, or assault between family or household
- 2 members;
- 3 (2) Sexual assault of one family or household member by
- 4 another;
- 5 (3) Stalking of one family or household member by another
- 6 family or household member; [~~or~~]
- 7 (4) Intentionally, knowingly, or recklessly causing damage
- 8 to property so as to intimidate or attempt to control
- 9 the behavior of another household member [~~+~~]; or
- 10 (5) Emotional abuse, as defined in section 586-1, between
- 11 family or household members."

12 SECTION 4. Section 432D-27, Hawaii Revised Statutes, is  
13 amended by amending subsection (e) to read as follows:

14 "(e) As used in this section, "domestic abuse" means:

- 15 (1) Physical harm, bodily injury, assault, or the
- 16 infliction of fear of imminent physical harm, bodily
- 17 injury, or assault between family or household
- 18 members;
- 19 (2) Sexual assault of one family or household member by
- 20 another;



- 1 (3) Stalking of one family or household member by another
- 2 family or household member; [~~or~~]
- 3 (4) Intentionally, knowingly, or recklessly causing damage
- 4 to property so as to intimidate or attempt to control
- 5 the behavior of another household member [~~-~~]; or
- 6 (5) Emotional abuse, as defined in section 586-1, between
- 7 family or household members."

8 SECTION 5. Section 586-1, Hawaii Revised Statutes, is  
9 amended as follows:

10 1. By adding three new definitions to be appropriately  
11 inserted and to read:

12 "Coercive behavior" means a continuing act or a pattern of  
13 acts of assault, threats, humiliation, and intimidation or other  
14 abuse that is used to harm, punish, or frighten a person.

15 "Controlling behavior" means a range of acts designed to  
16 make a person subordinate or dependent by:

- 17 (1) Isolating the person from sources of support;
- 18 (2) Exploiting the person's resources and capacities for  
19 personal gain; and
- 20 (3) Depriving the person of the means needed for  
21 independence, resistance, and escape.



1       "Emotional abuse" means coercive behavior of controlling  
2 behavior that is continuously or repeatedly directed at an  
3 individual with the intent to exert power, control, or coercion  
4 over the individual; provided that "emotional abuse" does not  
5 include a parent or guardian's legitimate attempt to discipline  
6 their child."

7       2. By amending the definition of "domestic abuse" to read:

8        "Domestic abuse" means:

- 9       (1) Physical harm, bodily injury, assault, or the threat  
10       of imminent physical harm, bodily injury, or assault,  
11       extreme psychological abuse, emotional abuse, or  
12       malicious property damage between family or household  
13       members; or
- 14       (2) Any act which would constitute an offense under  
15       section 709-906, or under part V or VI of chapter 707  
16       committed against a minor family or household member  
17       by an adult family or household member."

18       SECTION 6. Statutory material to be repealed is bracketed  
19 and stricken. New statutory material is underscored.

20       SECTION 7. This Act shall take effect on July 1, 2050.



**Report Title:**

Domestic Abuse; Emotional Abuse; Insurance Policies; Protective Orders

**Description:**

Amends the definition of domestic abuse under Hawaii's insurance laws and domestic abuse protective order statutes to include emotional abuse between family or household members. Defines emotional abuse. Effective 7/1/2050. (SD1)

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

