

Honolulu, Hawaii

FEB 13 , 2020

RE: H.B. No. 1798
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Human Services & Homelessness, to which was referred H.B. No. 1798 entitled:

"A BILL FOR AN ACT RELATING TO SAFE AND EFFECTIVE
DISCIPLINE,"

begs leave to report as follows:

The purpose of this measure is to address the use of corporal punishment as a form of discipline in the State by:

- (1) Clarifying the use of reasonable corporal punishment;
and
- (2) Repealing the justification of use of force by parents, guardians, teachers, or other persons otherwise entrusted with the care or supervision of a minor.

Your Committee received testimony in support of this measure from the Pacific Alliance to Stop Slavery and ten individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of Human Services and Department of Education.

Your Committee finds that section 703-309, Hawaii Revised Statutes, covers the use of force by parents and guardians when



disciplining children in their care. According to testimony presented by the Office of the Public Defender, the law provides guidance on the use of physical discipline and corporal punishment by a parent or guardian, as well as guidance on the type of force that is justifiable and when it is not justifiable. Your Committee recognizes that societal norms and public opinion as they relate to appropriate and acceptable force, discipline, and punishment have bearing on changes to laws and policies.

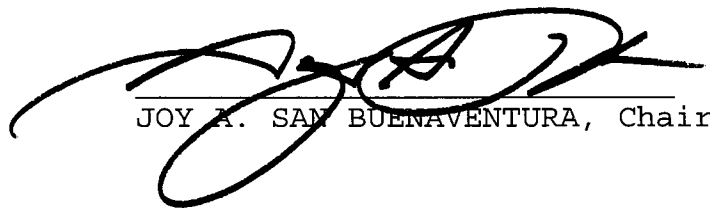
Your Committee has amended this measure by:

- (1) Removing language that would have established a new section in the Penal Code about reasonable corporal punishment;
- (2) Removing language that would have repealed the justification of use of force by parents, guardians, teachers, and persons otherwise entrusted with the care or supervision of a minor;
- (3) Requiring the Attorney General to convene a working group to examine laws relating to corporal punishment as a form of discipline in the State and submit a report to the Legislature;
- (4) Changing its effective date to December 31, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of 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 H.B. No. 1798, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1798, 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



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSR 383-20

Record of Votes of the Committee on Human Services & Homelessness

Bill/Resolution No.: HB 1798	Committee Referral: HSH, JUD	Date: 1/31/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HSH Members	Ayes	Ayes (WR)	Nays	Excused
1. SAN BUENAVENTURA, Joy A. (C)	✓			
2. NAKAMURA, Nadine K. (VC)	✓			
3. BELATTI, Della Au	✓			
4. KOBAYASHI, Bertrand	✓			
5. MIZUNO, John M.	✓			
6. SAY, Calvin K.Y.				✓
7. TOKIOKA, James Kunane	✓			
8. WARD, Gene	✓			
TOTAL (8)	7			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: <u><i>Nadine K. Nakamura</i></u>				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				