
A BILL FOR AN ACT

RELATING TO ABUSE.

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

1 SECTION 1. The legislature finds that the offense abuse of
2 family or household member in section 709-906, Hawaii Revised
3 Statutes, allows for varying penalties of a petty misdemeanor,
4 misdemeanor, or class C felony depending on the facts
5 surrounding the offense. For example, where the abuse occurs in
6 the presence of a minor between the ages of fourteen and
7 eighteen, the penalty is either a petty misdemeanor or
8 misdemeanor. However, where the abuse occurs in the presence of
9 a minor under fourteen, the penalty is a class C felony. For
10 minors between fourteen and eighteen, witnessing abuse and
11 seeing that a lesser penalty applies may normalize this type of
12 behavior for this age group. The age of the minor should not
13 determine the penalty when abuse occurs in their presence.

14 The purpose of this Act is to change the age for minors who
15 are in the presence of abuse of family or household member
16 offenses from less than fourteen to less than eighteen years of
17 age.



H.B. NO. 1138

1 SECTION 2. Section 709-906, Hawaii Revised Statutes, is
2 amended by amending subsection (10) to read as follows:

3 "(10) Where physical abuse occurs in the presence of a
4 minor, as defined in section 706-606.4, and the minor is a
5 family or household member less than [~~fourteen~~] eighteen years
6 of age, abuse of a family or household member is a class C
7 felony."

8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon its approval.
14

INTRODUCED BY:

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JAN 26 2021



H.B. NO. 1138

Report Title:

Abuse of Family or Household Member

Description:

Changes the age for minors who are in the presence of abuse of family or household member offenses from less than fourteen to less than eighteen years of age.

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

