STAND. COM. REP. NO.

Honolulu, Hawaii

MAR 0 6 2015

RE: S.B. No. 1213

S.D. 1

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. 1213 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC SAFETY,"

begs leave to report as follows:

The purpose and intent of this measure is to allow an employer to seek a temporary restraining order and injunction against harassment of an employee or invitee who may be harassed at the employer's worksite.

Your Committee received comments on this measure from the Judiciary and Hawaii Government Employees' Association.

Your Committee finds that this measure would assist in reducing instances of workplace violence by allowing employers to seek protective orders and injunctive relief on behalf of employees and invitees while they are at the workplace.

Your Committee has amended this measure by:

- (1) Amending the definitions of "employee" and "employer" and adding a definition for "invitee";
- (2) Removing a provision requiring that an employer pay the defendant's attorney's fees and costs if the petition is denied or set aside on appeal;

- (3) Providing that an employee or witness shall not have immunity from liability for an action taken with malicious intent, rather than malice;
- (4) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 1213, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1213, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. KEITH-AGARAN, Chair

The Senate Twenty-Eighth Legislature State of Hawai'i

Record of Votes Committee on Judiciary and Labor JDL

| Bill / Resolution No.:* | Committee Referral: | | D | Date: / | |
|--|---------------------|----------|-------------------------------------|---------|---------|
| 5B1213 | JDL | | | 2/26/15 | |
| The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: | | | | | |
| | | | | | |
| The Recommendation is: | | | | | |
| Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313 | | | | | |
| Members | | Aye | Aye (WR) | Nay | Excused |
| KEITH-AGARAN, Gilbert S.C. (C) | | V | | | |
| SHIMABUKURO, Maile S.L. (VC) | | V | | | |
| ESPERO, Will | | / | | | |
| GABBARD, Mike | | 0 | | | |
| IHARA, Jr., Les | | | | | ~ |
| THIELEN, Laura H. | | / | | | |
| SLOM, Sam | | / | | | |
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| TOTAL | | / | | | / |
| Recommendation: | | ω | | | |
| Adopted Not Adopted | | | | | |
| Chair's or Designee's Signature: | | | | | |
| Distribution: Original | Yellow | | Pink Goldenrod | | |
| File with Committee Re | port Clerk's Office | | Drafting Agency Committee File Copy | | |

^{*}Only one measure per Record of Votes