
A BILL FOR AN ACT

RELATING TO ABUSE OF FAMILY OR HOUSEHOLD MEMBER.

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

1 SECTION 1. Section 709-906, Hawaii Revised Statutes, is
2 amended as follows:

3 1. By amending subsection (1) to read:

4 "(1) It shall be unlawful for any person, singly or in
5 concert, to physically abuse a family or household member or to
6 refuse compliance with the lawful order of a police officer
7 under subsection (4). The police, in investigating any
8 complaint of abuse of a family or household member, upon
9 request, may transport the abused person to a hospital or safe
10 shelter.

11 For the purposes of this section [~~,"family~~]:

12 "Business day" means any calendar day, except Saturday,
13 Sunday, or any state holiday.

14 "Family or household member" means spouses or reciprocal
15 beneficiaries, former spouses or reciprocal beneficiaries,
16 persons in a dating relationship as defined under section 586-1,
17 persons who have a child in common, parents, children, persons



1 related by consanguinity, and persons jointly residing or
2 formerly residing in the same dwelling unit."

3 2. By amending subsection (4) to read:

4 "(4) Any police officer, with or without a warrant, shall
5 take the following course of action, regardless of whether the
6 physical abuse or harm occurred in the officer's presence:

7 (a) The police officer shall make reasonable inquiry of
8 the family or household member upon whom the officer
9 believes physical abuse or harm has been inflicted and
10 other witnesses as there may be;

11 (b) The police officer lawfully shall order the person who
12 the police officer reasonably believes to have
13 inflicted the abuse to leave the premises for a period
14 of separation [~~of forty eight hours~~], during which
15 time the person shall not initiate any contact, either
16 by telephone or in person, with the family or
17 household member; provided that the person is allowed
18 to enter the premises with police escort to collect
19 any necessary personal effects[+]. The period of
20 separation shall commence when the order is issued and
21 shall expire at 6:00 p.m. on the second business day

1 following the day the order was issued; provided that
2 the day the order is issued shall not be included in
3 the computation of the two business days;

4 ~~[(e) When the incident occurs after 12:00 p.m. on any~~
5 ~~Friday, or on any Saturday, Sunday, or legal holiday,~~
6 ~~the order to leave the premises and to initiate no~~
7 ~~further contact shall commence immediately and be in~~
8 ~~full force, but the forty eight hour period shall be~~
9 ~~enlarged and extended until 4:30 p.m. on the first day~~
10 ~~following the weekend or legal holiday;~~

11 ~~+(d)]~~ (c) All persons who are ordered to leave as stated
12 above shall be given a written warning citation
13 stating the date, time, and location of the warning
14 and stating the penalties for violating the warning.
15 A copy of the warning citation shall be retained by
16 the police officer and attached to a written report
17 which shall be submitted in all cases. A third copy
18 of the warning citation shall be given to the abused
19 person;

20 ~~+(e)]~~ (d) If the person so ordered refuses to comply with
21 the order to leave the premises or returns to the

1 premises before the expiration of the period of
2 separation, or if the person so ordered initiates any
3 contact with the abused person, the person shall be
4 placed under arrest for the purpose of preventing
5 further physical abuse or harm to the family or
6 household member; and

7 ~~[(f)]~~ (e) The police officer shall seize all firearms and
8 ammunition that the police officer has reasonable
9 grounds to believe were used or threatened to be used
10 in the commission of an offense under this section."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

Report Title:

Abuse of a Family or Household Member; No Contact Order

Description:

Adds the definition of "business day" to the offense of abuse of a family or household member. Repeals the 48-hour no contact provision and specifies that the period of separation a police officer orders for the person whom the police officer reasonably believes to have inflicted the abuse of a family or household member commences when the order is issued and expires at 6:00 p.m. on the second business day following the day the order was issued. (SB226 SD2 HD1)

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