

STAND. COM. REP. NO. **816**

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 1267
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1267 entitled:

"A BILL FOR AN ACT RELATING TO PROTECTIVE ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow nonresidents to apply for a temporary restraining order or order for protection in cases of domestic abuse; and
- (2) Allow nonresidents to apply for a temporary restraining order and an injunction from further harassment.

Your Committee received testimony in support of this measure from Restraining Orders Without Borders, Rainbow Family 808, Hawai'i State Coalition Against Domestic Violence, and eleven individuals. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that states inconsistently apply case law and the minimum contacts requirement when determining jurisdiction in cases of interstate sexual and domestic violence. As a result, courts are denying restraining orders to resident survivors due to jurisdiction concerns over a nonresident offender, leaving the survivor to turn to the offender's court for



protection. In Hawai'i, this is not possible, as a nonresident may not petition for a restraining order. This measure will protect nonresident victims from their harasser in the State.

Your Committee heard the testimony of the Judiciary, and accordingly has amended this measure by:

- (1) Specifying that an application for a temporary restraining order may be filed in the family court in the circuit in which:
 - (A) The petitioner resides or is temporarily located;
 - (B) The respondent resides;
 - (C) The subject of the petition, a petitioner's family or household member who is a minor or who is an incapacitated person, or who is physically unable to go to the appropriate place to complete or file the petition, resides or is temporarily located; or
 - (D) The domestic abuse occurred; and
- (2) Specifying that any person who has been subjected to harassment may petition the district court for a temporary restraining order and an injunction from further harassment in the district in which:
 - (A) The petitioner resides or is temporarily located;
 - (B) The respondent resides; or
 - (C) The harassment occurred.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1267, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1267, S.D. 1, and be placed on the calendar for Third Reading.



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

Karl Rhoads

KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 1267	Committee Referral: JDC	Date: 2/17/23
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The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.	✓			
AWA, Brenton	✓			
TOTAL	5	—	—	—

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature:


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*Only one measure per Record of Votes