

Honolulu, Hawaii

April 24, 2008

RE: S.B. No. 1337
H.D. 1
C.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam and Sir:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1337, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CONTEMPT OF COURT,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to clarify that when a court of competent jurisdiction issues an order compelling a parent to furnish his or her child with support, including child support, medical support, or other remedial care, and there is proof that:

- (1) The order was made, filed, and served on the parent; or
- (2) The parent was present in court at the time the order was pronounced; and
- (3) The parent did not comply with the order,



the proof shall constitute prima facie evidence of a civil contempt of court.

This measure also requires an order issued pursuant to this subsection to clearly state that failure to comply with the order may subject the parent to civil contempt of court, and that the penalty for civil contempt of court may include imprisonment.

The intent of your Committee on Conference is to facilitate the proof of civil contempt of court in proceedings involving enforcement of an order compelling a parent to pay child support, medical support, or other remedial care for the child.

Your Committee on Conference has amended this measure on the recommendation of the Attorney General by:

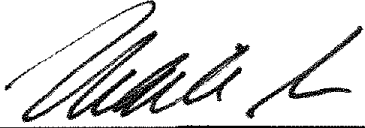
- (1) Clarifying that if an order of civil contempt based on prima facie evidence imposes immediate imprisonment, the order shall set forth the conditions that must be met for release from imprisonment;
- (2) Clarifying that civil contempt of court may be established by means other than by prima facie evidence; and
- (3) Clarifying the savings clause to limit its application to civil contempt proceedings.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1337, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1337, H.D. 1, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE



MAILE SHIMABUKURO, Co-Chair

ON THE PART OF THE SENATE



BRIAN T. TANIGUCHI, Chair




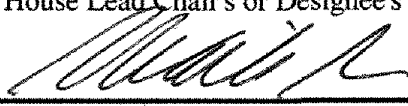
BLAKE K. OSHIRO, Co-Chair



CCR 21

Hawaii State Legislature

Record of Votes of a
Conference Committee

Bill / Concurrent Resolution No.: SB 1337, HD 1					Date/Time: 4/22/08 11:30am						
<input checked="" type="checkbox"/> The recommendation of the House and Senate managers is to pass with amendments (CD).											
<input type="checkbox"/> The Committee is reconsidering its previous decision.											
<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure					<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.						
Senate Managers		A	WR	N	E	House Managers		A	WR	N	E
TANIGUCHI, Brian T., Chr.		✓				SHIMABUKURO, Maile S. L., Co-Chr.		✓			
HEE, Clayton					✓	OSHIRO, Blake K., Co-Chr.		✓			
SLOM, Sam		✓				BELATTI, Della Au		✓			
						WARD, Gene, Ph.D.					✓
TOTAL		2	0	0	1	TOTAL		3	0	0	1
A = Aye		WR = Aye with Reservations			N = Nay		E = Excused				
Senate Recommendation is:						House Recommendation is:					
<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted				<input checked="" type="checkbox"/> Adopted		<input type="checkbox"/> Not Adopted			
Senate Lead Chair's or Designee's Signature:						House Lead Chair's or Designee's Signature:					
											
Distribution:				Original		Yellow		Pink		Goldenrod	
				File with Conference Committee Report		House Clerk's Office		Senate Clerk's Office		Drafting Agency	