

Honolulu, Hawaii

Feb 14, 2008

RE: H.B. No. 3379
H.D. 1

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

Sir:

Your Committee on Human Services & Housing, to which was referred H.B. No. 3379 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this bill is to more effectively address domestic violence by establishing several degrees of offenses of "abuse of a family or household member" and making other clarifying and conforming changes to Hawaii's domestic violence law.

The Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Prosecuting Attorney for the County of Hawaii, Department of the Prosecuting Attorney for the County of Maui (Maui Prosecutor's Office), Maui County Police Department, Hawaii Police Department, Hawaii State Coalition Against Domestic Violence, VOICES, and a concerned individual testified in support of this bill. The Honolulu Police Department supported this measure with amendments.

Your Committee engaged in discussion with testifiers on the reasons behind establishing abuse of a family or household member in the third degree as a petty misdemeanor. Testifiers stated that these types of offenses may arise from incidents not involving blood or serious physical injury, yet it is important to address these offenses to prevent future episodes of domestic violence. Although a petty misdemeanor is a lesser charge than a



misdemeanor, testifiers explained that these cases are generally much more expeditious because they involve bench trials, as opposed to jury trials which can take months. Any time saved in resolving these issues may help prevent future abuse. Additionally, a testifier from a neighbor island explained that in some counties, there is only one courtroom, which sometimes results in cases being settled for lesser charges because of an overload of cases requiring the courtroom.

Your Committee has amended this bill by:

- (1) Clarifying that the law enforcement officer must approve a request to transport a family or household member to a hospital or shelter; and
- (2) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Human Services & Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3379, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3379, H.D. 1, and be referred to the Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Human Services &
Housing,



MAILE SHIMABUKURO, Chair



