



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 1, 2018, 1:35 pm
State Capitol, Conference Room 229

By
Catherine H. Remigio
Senior Judge, Deputy Chief Judge
Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2343, Relating to Domestic Violence.

Purpose: Amends the offense of abuse of family or household members to provide for felony, misdemeanor, and petty misdemeanor penalties. Expands the family court's jurisdiction over certain enumerated offenses committed against family or household members. Repeals the prohibition on deferred acceptance of guilty or no contest pleas in cases involving abuse of family or household members. Requires that no-contact and stay-away orders issued during the pendency of a criminal case or as a condition of probation be enforced regardless of whether the defendant signed a written acknowledgment of the order, provided that the defendant was informed on the record of the terms and conditions of the order in open court. Requires that no-contact and stay-away orders issued during the pendency of trial cases involving abuse of family or household members or certain enumerated offenses be automatically converted after the defendant's conviction to a new protective order that shall remain in effect for a fixed reasonable period as the court deems appropriate, unless the victim or witness requests otherwise.

Judiciary's Position:

The Judiciary supports the intent of this bill and appreciates the Legislature's efforts in this area. We respectfully offer the following comments.



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Currently, there are two jury courtrooms assigned to the family court in the first circuit. Of the enumerated offenses listed, the Judiciary estimates there were 9242 criminal cases from the 2016-2017 time period. With a *conservative* estimate of 1 in 10 of these pending cases that might involve a family/household member, nearly 1000 cases could be added to the caseload of these two courtrooms in addition to the HRS Chapters 709 and 586 cases already pending. This would require a sizeable infusion of additional resources to Family Court before this bill can be implemented.

This bill will also require increased funding for more domestic violence intervention programs and more parenting programs. Without additional funding (over and above the budget items in the Judiciary's proposed budget), Defendants will not be able to access required services in a timely manner. The Department of Public Safety will also require more funds to augment their domestic violence intervention and parenting programs for those offenders sentenced to imprisonment.

Thank you for the opportunity to testify on this measure. The Judiciary looks forward to working with the Legislature as this bill progresses.