



**Office of the Administrative Director of the Courts – THE JUDICIARY • STATE OF HAWAII**  
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**Rodney A. Maile**  
ADMINISTRATIVE DIRECTOR

**Brandon M. Kimura**  
DEPUTY ADMINISTRATIVE DIRECTOR

November 15, 2022

**Via electronic submission**

The Honorable Ronald D. Kouchi  
President of the Senate  
State Capitol, Room 409  
Honolulu, HI 96813

The Honorable Scott Saiki  
Speaker of the House of Representatives  
State Capitol, Room 431  
Honolulu, HI 96813

Dear President Kouchi and Speaker Saiki:

Pursuant to Act 19, Session Laws of Hawai'i 2020, the Judiciary is transmitting a copy of the *Report on Domestic Violence and Increased Offender Accountability*.

In accordance with Section 93-16, Hawai'i Revised Statutes, we are also transmitting a copy of this report to the Legislative Reference Bureau Library.

The public may view an electronic copy of this report on the Judiciary's website at the following link: [https://www.courts.state.hi.us/news\\_and\\_reports/reports/reports](https://www.courts.state.hi.us/news_and_reports/reports/reports).

Should you have any questions regarding this report, please feel free to contact Karen Takahashi of the Judiciary's Legislative Coordinating Office at 808-539-4896, or via e-mail at [Karen.T.Takahashi@courts.hawaii.gov](mailto:Karen.T.Takahashi@courts.hawaii.gov).

Sincerely,

A handwritten signature in blue ink that reads "Rodney A. Maile".

Rodney A. Maile  
Administrative Director of the Courts

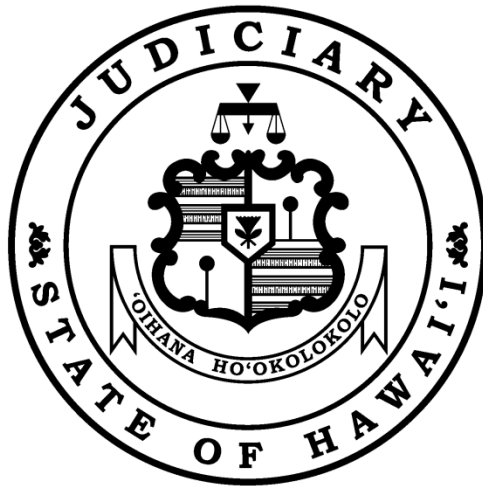
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**ANNUAL REPORT TO THE THIRTY-SECOND LEGISLATURE  
2023 REGULAR SESSION**

**A Report on Domestic Violence and Increased Offender Accountability**

**Pursuant to Act 19, SLH 2020  
HRS § 709-906**



**Prepared by:**

**The Judiciary, State of Hawai'i**

**November 2022**

**ANNUAL REPORT TO THE THIRTY-SECOND LEGISLATURE  
2023 REGULAR SESSION**

**A Report on Domestic Violence and Increased Offender Accountability**

**Pursuant to Act 19, SLH 2020  
HRS § 709-906**

Effective January 1, 2021, Act 19, SLH 2020 (Act 19), established a five-year pilot project “to strengthen state and county responses to domestic violence and increase offender accountability” by creating a petty misdemeanor abuse of family or household member offense, permitting a deferred acceptance of guilt plea for petty misdemeanor and misdemeanor abuse of family or household member charges, and requiring the Judiciary to report data on the project.

For regular sessions of 2022, 2023, 2024, 2025 and 2026, the Legislature required the Judiciary to submit a report on cases filed with the Judiciary involving offenses under section 709-906, Hawai'i Revised Statutes. The report is to include the number of cases, by category, that were dismissed, the number found not guilty, number found guilty, and other outcomes. In the cases where domestic violence intervention or parenting classes were court ordered, the report shall include the number of cases by category, in which the program was completed or not completed as well as the consequences for failing to complete the program.

The table below reports the numbers by category: felony, misdemeanor, and petty misdemeanor.

|   | Felony | Misdemeanor | Petty Misdemeanor | All Cases |
|---|--------|-------------|-------------------|-----------|
| 709-906 Cases Filed with the Judiciary 1/1/2021 – 6/30/2022 | 590    | 1,243       | 471               | 2,304     |
| Pending Adjudication  | 239    | 418         | 136               | 793       |
| Dismissed w/ Prejudice                                      | 39     | 104         | 39                | 182       |
| Dismissed w/o Prejudice                                     | 143    | 306         | 137               | 586       |
| Nolle Prosequi  | 32     | 140         | 58                | 230       |
| Acquitted   | 1      | 9           | 3                 | 13        |
| Other Disposition   | 44     | 17          | 1                 | 62        |
| Plead Guilty  | 36     | 56          | 13                | 105       |
| DVI Court Ordered   | 27     | 45          | 5                 | 77        |
| DVI Completed   | 7      | 13          | 0                 | 20        |
| DVI Not Completed   | 20     | 32          | 6                 | 58        |
| Resentenced to Probation                                    | 0      | 6           | 1                 | 7         |

|  | Felony    | Misdemeanor | Petty<br>Misdemeanor | All Cases  |
|--|-----------|-------------|----------------------|------------|
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| Parenting Court Ordered                      | 3         | 1           | 0                    | 4          |
| Parenting Completed                          | 2         | 0           | 0                    | 2          |
| Parenting Not Completed                      | 1         | 1           | 0                    | 2          |
| Resentenced to Probation                     | 0         | 0           | 0                    | 0          |
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| <b>Finding of Guilt</b>                      | <b>17</b> | <b>44</b>   | <b>4</b>             | <b>65</b>  |
| DVI Court Ordered                            | 15        | 33          | 3                    | 51         |
| DVI Completed                                | 4         | 14          | 0                    | 18         |
| DVI Not Completed                            | 11        | 19          | 3                    | 33         |
| Resentenced to Probation                     | 1         | 3           | 1                    | 5          |
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| Parenting Court Ordered                      | 5         | 3           | 0                    | 8          |
| Parenting Completed                          | 1         | 1           | 0                    | 2          |
| Parenting Not Completed                      | 4         | 2           | 0                    | 6          |
| Resentenced to Probation                     | 0         | 0           | 0                    | 0          |
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| <b>DAG</b>                                   | <b>6</b>  | <b>63</b>   | <b>32</b>            | <b>101</b> |
| DVI Court Ordered                            | 6         | 63          | 32                   | 101        |
| DVI Completed                                | 6         | 28          | 9                    | 43         |
| DVI Not Completed                            | 0         | 35          | 23                   | 58         |
| Deferral Set Aside                           | 0         | 0           | 1                    | 1          |
| Resentenced to Maximum Term of Incarceration | 0         | 1           | 0                    | 1          |
| Parenting Court Ordered                      | 3         | 16          | 7                    | 26         |
| Parenting Completed                          | 1         | 7           | 2                    | 10         |
| Parenting Not Completed                      | 2         | 9           | 5                    | 16         |
| Deferral Set Aside                           | 0         | 0           | 0                    | 0          |
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| <b>DNC</b>                                   | <b>4</b>  | <b>12</b>   | <b>16</b>            | <b>32</b>  |
| DVI Court Ordered                            | 4         | 11          | 16                   | 31         |
| DVI Completed                                | 2         | 2           | 6                    | 10         |
| DVI Not Completed                            | 2         | 9           | 10                   | 21         |
| Deferral Set Aside                           | 0         | 1           | 0                    | 1          |
| Resentenced to Maximum Term of Incarceration | 0         | 0           | 0                    | 0          |
| Parenting Court Ordered                      | 1         | 0           | 2                    | 3          |
| Parenting Completed                          | 0         | 0           | 0                    | 0          |
| Parenting Not Completed                      | 1         | 0           | 0                    | 1          |

|  | Felony | Misdemeanor | Petty Misdemeanor | All Cases |
|--|--------|-------------|-------------------|-----------|
| Deferral Set Aside                           | 0      | 0           | 0                 | 0         |
| Resentenced to Maximum Term of Incarceration | 0      | 0           | 0                 | 0         |
| No Contest                                   | 29     | 74          | 32                | 135       |
| DVI Court Ordered                            | 23     | 56          | 23                | 102       |
| DVI Completed                                | 4      | 12          | 0                 | 16        |
| DVI Not Completed                            | 19     | 44          | 23                | 86        |
| Resentenced to Probation                     | 0      | 1           | 2                 | 3         |
| Resentenced to Maximum Term of Incarceration | 0      | 0           | 0                 | 0         |
| Parenting Court Ordered                      | 6      | 6           | 2                 | 14        |
| Parenting Completed                          | 3      | 2           | 0                 | 5         |
| Parenting Not Completed                      | 3      | 4           | 2                 | 9         |
| Resentenced to Probation                     | 0      | 0           | 0                 | 0         |
| Resentenced to Maximum Term of Incarceration | 0      | 0           | 0                 | 0         |

Act 19 became effective on January 1, 2021, in the middle of the fiscal year, and all 709-906 cases filed from that date on are being tracked. This report covers cases that were filed and disposed between January 1, 2021 and June 30, 2022.

\* The large number of dismissals are most likely due to State v. Thompson, 150 Hawai'i 262 (2021) regarding how criminal complaints are filed.

\* Reason(s) dispositions may be more than court ordered programming (for example, the number of dispositions for "Finding of Guilt" is 17 and there were 15 cases where DVI was court ordered):

This table represents the status of cases as of June 30, 2022. It may be that the cases were disposed by June 30, 2022 and not sentenced by June 30, 2022. Disposition is the outcome of the case such as the person being found guilty or a deferral being granted. Sentencing is when the court imposes penalties such as placing someone on probation and ordering conditions such as the completion of programming. Disposition and sentencing can happen during the same hearing or a sentencing date can be set after disposition.

\* Reason(s) not completing programming has not led to consequences such as being resentenced to probation or jail or having a deferral set aside:

Completion of DVI programming takes, on average, about seven and a half to nine months and many clients are still participating in DVI programming. There

are also times when probation and a term of jail/incarceration is ordered and clients are not referred to program until they are released. There are also instances where clients need to complete another program such as substance abuse treatment before being referred to DVI program. There are a few cases where sentencing took place near the end of the reporting period and there was not sufficient time for the client to be referred to DVI, assessed for the program, and subsequently start participating in group. Finally, there are a number of cases where the client was terminated from the program and a motion to revoke probation or to set aside the deferral has been filed and is pending disposition.

\* Regarding parenting programming: many clients are still working toward completing DVI before moving on to parenting.