



Domestic Violence Related Laws in Hawai'i

2021 New Legislation

The following bills were passed by Governor Ige in 2020 and went into effect on January 1, 2021.



Establishes a petty misdemeanor offense to AFHHM cases & standards of victim assessment verifications

Act 019 (SB2638 SD2 HD3)

This bill establishes a petty misdemeanor offense to Abuse of Family or Household Members (AFHHM) cases and allows a deferred acceptance of guilty plea for AFHHM misdemeanors and petty misdemeanors, provided that the defendant completes domestic violence intervention programs.

This bill also makes the types of documents accepted as proof of domestic or sexual violence victim status consistent. Prior to this bill passage, there were no standards of documentation and survivors had to submit different documents and certifications to prove they were victims of violence. These issues usually appeared when victims tried to apply for waivers, cancellations, or extensions in housing, welfare, unemployment, and other related public benefits. Now, victims can submit any of the following documents as proof of victimization:

- Certified restraining orders, injunctions against harassment, and documents from criminal cases;
- Statement from a victim services organization or domestic violence or sexual violence program, including shelters and safe houses; and
- Statement from a medical professional, mental health care provider, attorney, advocate, social worker, or member of the clergy from whom the victim or the victim's minor child has sought assistance in relation to the violence.



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continued

Requires the sealing of denied TROs

Act 018 (HB2060 HD1 SD1)

This bill requires family courts to seal any record of a denied temporary restraining order (TRO) or protective order. However, such records may still be accessible to law enforcement without a court order. Domestic violence abusers often file TROs against their victims as a method of retaliation or intimidation. When these filings are ultimately denied, those records still appeared on victims' records and background checks, making it difficult to apply for jobs and housing. As a result of this bill, denied TRO filings by abusers will now be sealed from the general public.



Relating to Coercive Control; Insurance Policies; Protective Orders

Act 020 (HB 2425 HD1 SD1)

Prior to this bill, there was no definition for *coercive control* in laws relating to domestic violence in Hawai'i. Many victims who are victimized through non-physical abuse often believe they cannot file for any legal protections if they do not have proof of physical abuse or bodily injury. This bill amends the definition of *domestic abuse* to Hawaii's domestic violence and insurance laws by including *coercive control* as a form of abuse. This type of behavior includes but is not limited to isolating a victim from loved ones, controlling the victim's access to money, and monitoring a victim's activities and whereabouts.