



The Judiciary, State of Hawaii

Testimony to the Senate Committee on Judiciary and Labor

Senator Gilbert Keith-Agaran, Chair
Senator Maile S.L. Shimabukuro, Vice Chair

Monday, February 1, 2016, 9:30 a.m.
State Capitol, Conference Room 016

by
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Family Court of the First Circuit

Bill No. and Title: Senate Bill No. 2314, Relating to the Offense of Abuse of Family or Household Members.

Purpose: Makes a person ineligible for a deferred acceptance of a guilty plea or nolo contendere plea in cases where the person was originally charged with the offense of abuse of family or household member and the charge is subsequently reduced to a lesser included offense.

Judiciary's Position:

The Judiciary takes no position on this bill but we wish to raise a consequence for the Legislature to consider. If defendants who are “originally charged with the offense of abuse of a family or household member and the charge is subsequently reduced to a lesser included offense” are “ineligible for a deferred acceptance of guilty plea or nolo contendere plea,” intransigent and intractable delays will result nearly instantaneously. The resulting backlog will create more dangerous situations for victims, procedural due process issues for defendants, and the risk of case dismissals due to the denigration of the right to speedy trial.

Thank you for the opportunity to submit testimony on this bill.