



A JOINT LEGISLATIVE EFFORT

E-Mail to: JUDtestimony@Capitol.hawaii.gov
Regarding: House Committee on JUD Hearing
Hearing on: February 19, 2008 @ 3:30 p.m. in room 325

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Date: February 14, 2008

To: House Committee on Judiciary
Honorable Tommy Waters, Chair
Honorable Blake Oshiro, Vice Chair

From: Kelly M. Rosati, JD
Executive Director, Hawaii Family Forum
Lobbyist, Roman Catholic Church in the State of Hawaii

Re: **Strong Support for HB 2334 Relating to Crime**

Honorable Chair and members of the House Judiciary, I am Kelly Rosati, **representing both the Hawaii Family Forum and the Roman Catholic Church in the State of Hawaii.**

Hawaii Family Forum is a non-profit, pro-family education organization committed to preserving and strengthening families in Hawaii. The Roman Catholic Church in Hawaii, under the leadership of Bishop Larry Silva, represents over 210,000 Catholics in Hawaii.

We strongly support HB 2334, which establishes mandatory minimum terms of imprisonment for those who cause the death or inflict serious bodily injury to a pregnant woman, as a small step in the direction of justice.

"A pregnant 34 year old Big Island woman was stabbed repeatedly in the abdomen in an attack that killed her unborn child. . ." began the June 13 article in the Honolulu Advertiser. As we all know by now, tragically, Cheryl Vesperas was brutally assaulted, her teenage son was killed trying to protect her, and her unborn child, nearly ready to be born, also died in the attack.

Under current Hawaii law, the alleged perpetrator may be held accountable for his conduct against Ms. Vesperas and against her teenage son Tyran, but will face no accountability for taking the life of that unborn child.

We believe the people of Hawaii see that as a great injustice. It must be remedied.



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HB 2334 is a very small step toward that remedy. We vastly prefer a bill to treat the unborn child as she deserves to be treated, as a separate human being with the same human and legal rights as all other people.

Approximately 36 states have fetal homicide laws and Congress has passed the Unborn Victims of Violence Acts to protect unborn children against federal crimes. A version of that federal law was debated in Hawaii several years ago and roundly denounced by abortion-rights supporters as a stepping stone to reducing abortion rights. During the ensuing conversation on the proposal in this very committee, **abortion rights supporters actually suggested an approach that would allow enhanced penalties for those who harm pregnant women.**

I hope that recommendation years ago will lead to widespread consensus that we simply must take action this year – on this measure or one like it. Any suggestion that an enhanced penalty bill providing for pregnant women should be opposed because of a connection to abortion rights is an extreme position inconsistent with the common sense of the people of Hawaii.

It is an embarrassment to our great state that our law affords greater protection to animals than it does to unborn children. While HB 2334 doesn't go nearly as far as we'd like it to go, it is step in the right direction. We urge your strong support of HB 2334 or a similar measure to correct this injustice in Hawaii's current law.

Mahalo for your kind consideration.