

STAND. COM. REP. NO.

1056

Honolulu, Hawaii

FEB 28, 2025

RE: H.B. No. 36
H.D. 2

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 36, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Prohibit excited delirium from being recognized as a valid medical diagnosis or cause of death in the State;
- (2) Prohibit a medical examiner, coroner, or health care provider from stating on a certificate of death or in any report that the cause of death was excited delirium;
- (3) Prohibit law enforcement officers from using the term excited delirium to describe an individual in an incident report; and
- (4) Establish a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered excited delirium inadmissible in a civil action.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawaii Disability Rights Center; Hui Malama Pono Hawai'i; Community Alliance on Prisons;

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Haddad & Sherwin LLP; American Civil Liberties Union of Hawai'i; and numerous individuals. Your Committee received testimony in opposition to this measure from the Judiciary. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the term "excited delirium" has been widely discredited by medical and scientific organizations and has been improperly used to justify deaths occurring in law enforcement custody. This unrecognized diagnosis has contributed to legal outcomes that obscure the true causes of death, preventing accountability and justice for affected individuals and their families. This measure ensures that law enforcement and medical determinations are based on scientifically valid and evidence-based practices by prohibiting the use of the term "excited delirium" as a medical diagnosis, cause of death, or legal defense.

Your Committee has amended this measure by making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 36, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 36, H.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



