STAND. COM. REP. NO. 3045

Honolulu, Hawaii

MAR 2 3 2006

RE: H.B. No. 3253 S.D. 1

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 3253 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE," begs leave to report as follows:

The purpose of this measure is to amend the rules of evidence on erroneous rulings so that a party does not need to renew an objection or offer proof once a court makes a definitive ruling on the record admitting or excluding evidence.

Your Committee received testimony in support of the measure from the Judiciary and the Office of the Public Defender.

Your Committee finds that this measure codifies the Hawaii Supreme Court's holding in *Ditto v. McCurdy*, 98 Hawaii 123, 130 n.9, 44 P.3d 274, 281 n.9 (2002) and is identical to rule 103 of the Federal Rules of Evidence.

Your Committee amended this measure to substitute its contents with those of S.B. 2582, which has a savings clause and minor technical differences from this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3253, S.D. 1, and be placed on the calendar for Third Reading.

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STAND. COM. REP. NO. 3045
Page 2

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

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:* HB 3253	Committee Re	ferral:	Date: 3 17 06		
			7	11//	· /
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:					
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)					
HEE, Clayton (VC)					
CHUN OAKLAND, Suzanne					
ENGLISH, J. Kalani					
IHARA, Jr., Les					
WHALEN, Paul					
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TOTAL		6	0	0	0
Recommendation:					
Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do <u>not</u> list more than one measure per Record of Votes.