STAND. COM. REP. NO. 819

Honolulu, Hawaii

, 2007

RE: H.B. No. 1253

H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2007 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1253 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,"

begs leave to report as follows:

The purpose of this bill is to allow individuals, corporations, and government entities to offer apologies or other expressions of sympathy without fear of such gestures being used against them to establish liability.

The Department of the Attorney General and several attorneys of Starn O'Toole Marcus & Fisher testified in support of this bill. The Judiciary supported the intent of this measure. The Consumer Lawyers of Hawaii opposed this bill.

Your Committee has amended this bill by:

- (1) Confining the bill to civil actions against healthcare providers, and benevolent gestures made to the patient or patient's family;
- (2) More specifically describing the benevolent gestures that are not admissible as evidence:
- (3) Changing the effective date to January 1, 2112, to encourage further discussion; and

HB1253 HD1 HSCR JUD HMS 2007-2737



(4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1253, H.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1253	Date: 2/27/07			
Committee Referral: JUD	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments			
☐ Hold	 Pass, with amendments, for recommittal for further consideration 			
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	/			
2. OSHIRO, Blake K. (VC)	1			
3. CALDWELL, Kirk				
4. EVANS, Cindy	1			
5. GREEN, Josh, M.D.	^			
6. ITO, Ken	1			
7. LUKE, Sylvia	1			
8. McKELVEY, Angus L.K.				
9. MORITA, Hermina M.				
10. SONSON, Alex M.	<u> </u>			
11. SOUKI, Joseph M.				
12. TSUJI, Clift	<u> </u>			
13. YAMANE, Ryan I.				
14. YAMASHITA, Kyle T.	1			
15. MARUMOTO, Barbara C.	1			
16. PINE, Kymberly Marcos	/			
17. THIELEN, Cynthia				
TOTAL	15			2
The recommendation is: Adopted Not Adopted If joint referral,	nittee acronym(did not suppo	ort recommendation	
Vice Chair's or designee's signature: Distribution: Original (White) – Committee D	uplicate (Yello	w) – HMSO	Duplicate (Pink) – (Clerk's Office