STAND. COM. REP. NO. 446 -08

Honolulu, Hawaii

Feb14, 2008

RE: H.B. No. 3042 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3042 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVI OF THE CONSTITUTION OF THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose of this bill is to balance the societal need to prosecute serious criminal cases with the rights of individuals by proposing a constitutional amendment to provide that a witness in a criminal case who asserts self-incrimination privilege may be compelled to testify or provide evidence so long as the testimony or evidence cannot later be used against the witness in a criminal case except for perjury, false statement, or failure to comply with the order to testify.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Hawaii Police Department, Honolulu Police Department, and Maui County Police Department testified in support of this bill. The Office of the Public Defender and American Civil Liberties Union of Hawaii opposed this measure.

Your Committee has amended this bill by:

(1) Deleting the effective date to encourage further discussion; and

HB3042 HD1 HSCR JUD HMS 2008-1861

(2) 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. 3042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3042, H.D. 1, and be referred to the Committee on Finance.

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

TOMMY WATERS, Chair



State of Hawaii House of Representatives The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date		
НВ 3042	JUD, FIN		FEB 5,20	o o
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) □ Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.				•
8. MORITA, Hermina M.				/
9. SONSON, Alex M.				
10. SOUKI, Joseph M.	1			
11. TSUJI, Clift				
12. YAMANE, Ryan I.				
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos				in Parison III
16. THIELEN, Cynthia				
TOTAL (16)	13			3
The recommendation is:				
If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				