STAND. COM. REP. NO. 808

Honolulu, Hawaii

, 2007 Markl

H.B. No. 380 RE: 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. 380 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL PARTICIPATION IN GOVERNMENT,"

begs leave to report as follows:

The purpose of this bill is to increase civil participation in government by:

- Immunizing from liability any act by a person in furtherance of the person's constitutional right to petition;
- Amending the definition of Strategic Lawsuit Against (2) Public Participation (SLAPP) to include language regarding immunized acts; and
- (3) Allowing the court to use supporting or opposing affidavits in the disposition of a SLAPP case based on the pleadings.

The League of Women Voters of Hawaii, Hawaii's Thousand Friends, and a few concerned individuals testified in support of this bill. The Department of the Attorney General opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting the provisions for immunization from liability of any act by a person in furtherance of the constitutional right to petition;
- (2) Deleting the provisions allowing the court to decide on a motion to dispose of a claim based on the pleadings and affidavits filed;
- (3) Clarifying the definition of SLAPP;
- (4) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (5) 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. 380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 380, H.D. 1, and be placed on the calendar for Third Reading.

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.: HB 380	Date: 1/35/07			
Committee Referral: JUD	☐ The committee is reconsidering its previous decision on the measure.			
The recommendation is to: Pass, unamended	Pass, with amendments Pass, with amendments, for recommittal for further consideration			
☐ Hold				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)	✓			
3. CALDWELL, Kirk	/			
4. EVANS, Cindy	✓ ✓ ✓		-	
5. GREEN, Josh, M.D.	/			
6. ITO, Ken	_			
7. LUKE, Sylvia	_			
8. McKELVEY, Angus L.K.	1			
9. MORITA, Hermina M.				
10. SONSON, Alex M.		/		
11. SOUKI, Joseph M.	1			
12. TSUJI, Clift	1		<u> </u>	
13. YAMANE, Ryan I.	1			
14. YAMASHITA, Kyle T.				
15. MARUMOTO, Barbara C.	1			
16. PINE, Kymberly Marcos				
17. THIELEN, Cynthia	/			
TOTAL	1	2		
TOTAL	12	-	****	
The recommendation is: Adopted Not Adopted If joint referral, commendation is:	nittee acronym(did not suppo	ort recommendation	
Vice Chair's or designee's signature:				
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