STAND. COM. REP. NO. 676

Honolulu, Hawaii March 5, 2009

RE: H.B. No. 130 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fifth State Legislature Regular Session of 2009 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 130 entitled:

"A BILL FOR AN ACT RELATING TO JUDGMENTS,"

begs leave to report as follows:

The purpose of this bill is to help protect the free-flow of information by declaring foreign defamation judgments unenforceable in Hawaii unless the foreign defamation law affords free speech protections equivalent to those granted in both the United States and Hawaii Constitutions.

The American Civil Liberties Union of Hawaii testified in support of this measure.

Your Committee has amended this bill by:

- (1) Providing a definition of "publish";
- (2) Clarifying that foreign judgments are unenforceable if the defamation law applied in the foreign court did not provide as much or greater free-speech protection than that afforded under United States and Hawaii law; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.



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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. 130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 130, H.D. 1, and be placed on the calendar for Third Reading.

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

KARAMATSU, Chair



State of Hawaii House of Representatives The Twenty-fifth Legislature HSCL 676

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 130	Committee Referral:	Dat	"2/20/	09
□ The committee is reconsidering its pre	L	e.		
The recommendation is to:		Pass, with amendments		
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KARAMATSU, Jon Riki (C)	V.,			
2. ITO, Ken (VC)				
3. BELATTI, Della Au				
4. CABANILLA, Rida				
5. CARROLL, Mele				1
6. HERKES, Robert N.				
7. LUKE, Sylvia			Same and States	an shine an
8. McKELVEY, Angus L.K.				
9. MIZUNO, John M.				
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.				
13. TSUJI, Clift				
14. WAKAI, Glenn				
15. MARUMOTO, Barbara C.	V,			
16. THIELEN, Cynthia				
TOTAL (16)	10			6
The recommendation is: Add If joint	opted	did not supp	ort recommendation	1.
Vice Chair's or designee's signature:	Gle			
Distribution: Original (White) – Comm	ittee Duplicate (Yellow) – Chief Clerk's Offic	e Duplicate (F	Pink) – HMSO