STAND. COM. REP. NO. 626

Honolulu, Hawaii

Fel 24, 2009

RE: H.B. No. 349 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. 349 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 the admission of character evidence showing the aggressiveness of the defendant if the court allows the admission of character evidence showing the aggressiveness of the complaining witness.

The Judiciary, Department of the Attorney General, County of Hawaii Office of the Prosecuting Attorney, City and County of Honolulu Department of the Prosecuting Attorney, and County of Maui Department of the Prosecuting Attorney testified in support of this bill. The Office of the Public Defender and Hawaii Association of Criminal Defense Lawyers opposed this measure.

Your Committee has amended this bill by changing its effective date to July 1, 2046, to encourage further discussion.

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. 349, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 349, H.D. 1, and be placed on the calendar for Third Reading.

HB349 HD1 HSCR JUD HMS 2009-2332

STAND. COM. REP. NO. 626
Page 2

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

JN RIKI KARAMATSU, Chair

HSCR 626

State of Hawaii House of Representatives The Twenty-fifth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:		Date:	1
HB 349 JUD 2/17/09				
☐ 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	Ay	es Ayes (V	VR) Nays	Excused
1. KARAMATSU, Jon Riki (C)	V			
2. ITO, Ken (VC)				
3. BELATTI, Della Au				
4. CABANILLA, Rida	V			
5. CARROLL, Mele				
6. HERKES, Robert N.	l V			
7. LUKE, Sylvia				
8. McKELVEY, Angus L.K.		_		
9. MIZUNO, John M.	V			27 1 2 2 1 2 1 1 2 1 1 1 2 1 1 1 2 1 1 1 2 1 1 1 1 2 1 1 1 1 2 1 1 1 1 2 1
10. MORITA, Hermina M.				2 Programme Vision
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.	<i>V</i>			
13. TSUJI, Clift	<i>v</i>			
14. WAKAI, Glenn	V			
15. MARUMOTO, Barbara C.	<i>V</i>			
16. THIELEN, Cynthia		<i>:</i>		
	(*)			
Tomas de s	— <u> </u>	, .		2
TOTAL (16)		1 1	7	
The recommendation is: Adopted Not Adopted				
If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
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