

STAND. COM. REP. NO.

1114

Honolulu, Hawaii

APR 08 2011

RE: H.B. No. 439  
H.D. 1  
S.D. 1

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2011  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 439, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to amend Rule 303  
of the Hawaii Rules of Evidence by extending evidentiary  
presumptions to certain materials and information posted on  
government websites or purported to be posted by public authority  
on the Internet.

Your Committee received testimony in support of this measure  
from the Hawaii Supreme Court Standing Committee on the Rules of  
Evidence.

Your Committee finds that this measure will expand  
evidentiary presumptions imposing the burden of producing evidence  
to include materials and legal opinions posted on government  
websites.

Your Committee has amended this measure by making technical,  
nonsubstantive amendments for the purposes of clarity and  
consistency.

As affirmed by the record of votes of the members of your  
Committee on Judiciary and Labor that is attached to this report,  
your Committee is in accord with the intent and purpose of H.B.

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No. 439, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 439, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



CLAYTON HEE, Chair



The Senate  
Twenty-Sixth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB 439, HD1</b>	Committee Referral: <b>JDL</b>	Date: <b>4/9/11</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"><input type="checkbox"/> Pass, unamended 2312</div> <div style="text-align: center;"><input checked="" type="checkbox"/> Pass, with amendments 2311</div> <div style="text-align: center;"><input type="checkbox"/> Hold 2310</div> <div style="text-align: center;"><input type="checkbox"/> Recommit 2313</div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile (VC)	✓			
GABBARD, Mike	✓			
IHARA, Jr., Les	✓			
SLOM, Sam	✓			
<b>TOTAL</b>	<b>5</b>			
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> <div style="display: flex; justify-content: space-between; font-size: small;"> <span>Original File with Committee Report</span> <span>Yellow Clerk's Office</span> <span>Pink Drafting Agency</span> <span>Goldenrod Committee File Copy</span> </div>				

\*Only one measure per Record of Votes