



The Judiciary, State of Hawaii

Testimony to the House Committee on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair

Representative Karl Rhoads, Vice Chair

Friday, February 3, 2012 at 2:00 p.m.

State Capitol, Conference Room 325

by

Judge Glenn Kim, Chair

Supreme Court Standing Committee on the Rules of Evidence (Evidence Committee)

WRITTEN TESTIMONY ONLY

Bill No. and Title: House Bill No. 2271, Relating to Crimes

Purpose: Creates process for obtaining out-of-state records in criminal cases. Amends computer fraud statute and penalties. Amends unauthorized computer access statute and penalties.

Judiciary's Position:

The Evidence Committee respectfully requests that this measure be deferred and referred to it for interim study and a report to the 2013 Legislature.

In order to assist the Legislature in its evaluation of new evidence proposals and to enable the Judiciary to fulfill its constitutional responsibility to assert primacy in matters "relating to process, practice, procedure and appeals," the chief justice created the Evidence Committee in 1993 with a mandate "to study and evaluate proposed evidence law measures referred by the Hawaii Legislature, and to consider and propose appropriate amendments to the Hawaii Rules of Evidence.

To assure the Judiciary a fair opportunity to exercise its constitutional function, the Evidence Committee respectfully requests that House Bill No. 2271 be deferred and referred to it for study and a written report to the very next session of the Legislature, because it is a new measure that has just come to our attention.

Thank you for the opportunity to testify on this measure