STAND. COM. REP. NO. Honolulu, Hawaii man 12, 2013

RE: H.B. No. 622 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 622 entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

HB622 HD1 HSCR JUD HMS 2013-1621-1

The purpose of this measure is to protect the freedom of the press by making permanent the limited news media privilege against the compelled disclosure of sources and unpublished information to a legislative, executive, or judicial officer or body, or to any other person who may compel testimony.

The American Civil Liberties Union of Hawaii, Hawaii Shield Law Coalition, Community Alliance on Prisons, and one concerned citizen testified in support of this measure. The Department of the Attorney General provided comments on this bill and suggested amendments.

Your Committee has amended this measure by:

 Including language in the preamble to acknowledge that certain amendments suggested by the Supreme Court Standing Committee on the Rules of Evidence are incorporated in the codification of the limited news media privilege;

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- (2) Expanding the exception to the privilege to include cases where there is substantial evidence that the information sought is material to the investigation, prosecution, or defense of a potential felony or serious crime involving the unlawful injury to persons or animals, or to any civil action;
- (3) Clarifying that only those who validly invoke the privilege will be shielded from fine or imprisonment; and
- (4) 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. 622, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 622, H.D. 1, and be placed on the calendar for Third Reading.

HB622 HD1 HSCR JUD HMS 2013-1621-1

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

KARL RHOADS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: Commit HB622 JUL	ee Referral: Date: 129113			
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	Ayes	Ayes (WR)	Nays	Excused
1. RHOADS, Karl (C)	X			
2. HAR, Sharon E. (VC)	X			
3. BELATTI, Della Au	<u> </u>			
4. BROWER, Tom	Х (Х			
5. CABANILLA, Rida T.R.	·			Х.
6. CARROLL, Mele				X
7. ITO, Ken	X I			
8. KAWAKAMI, Derek S.K.	X			
9. LEE, Chris	X			
10. TSUJI, Clift	X			
11. WOOLEY, Jessica		X		
12. MCDERMOTT, Bob	X			
13. THIELEN, Cynthia	X			
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TOTAL (13)	10	L		2
The recommendation is:				
Vice Chair's or designee's signature:				
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