
A BILL FOR AN ACT

RELATING TO HAWAII RULES OF EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 1102 to read as follows:

"Rule 1102 Jury instructions; comment on evidence prohibited[-]; prosecution's failure to disclose evidence; defense misconduct. (a) The court shall instruct the jury regarding the law applicable to the facts of the case, but shall not comment upon the evidence. It shall also inform the jury that they are the exclusive judges of all questions of fact and the credibility of witnesses.

(b) If the court rules that the prosecution intentionally or knowingly failed to disclose information or materials as required by the Hawaii rules of penal procedure, as amended, the court may inform the jury that the failure to disclose the information occurred and that the jury shall consider the prosecution's failure to disclose as relevant in its deliberations to determine whether or not there is reasonable doubt.



H.B. NO. 309

1 This subsection shall not be construed to limit any other
2 remedy available under law.

3 (c) If the court finds that the defense intentionally or
4 knowingly committed misconduct during the trial that has the
5 effect of misleading the jury, the court may inform the jury of
6 the misconduct for purposes of the jury's deliberation on the
7 evidence in determining whether or not there is reasonable
8 doubt."

9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon its approval.

15
INTRODUCED BY:

Richard L. Lutz BR

JAN 23 2015



H.B. NO. 309

Report Title:

Hawaii Rules of Evidence; Instructions to Jury

Description:

Allows the court to instruct the jury that the jury shall consider the prosecution's failure to disclose information or materials as required by the Hawaii rules of penal procedure as relevant in its deliberations to determine whether or not there is reasonable doubt. Allows the court to inform the jury of the misconduct of the defense for purposes of the jury's deliberation on the evidence in the course of determining whether or not there is reasonable doubt if the court finds that the defense intentionally or knowingly committed misconduct during the trial that has the effect of misleading the jury.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

