STAND. COM. REP. NO. Z

Honolulu, Hawaii

REBNAM 18

RE: H.B. No. 792

H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2015 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 792 entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to amend the Hawaii Rules of Evidence to authorize nonresident property crime victims to testify in criminal proceedings by a live two-way video connection.

The Department of the Prosecuting Attorney, County of Maui and Hawaii Police Department testified in support of the measure. The Judiciary and Office of the Public Defender testified in opposition.

Your Committee has amended this measure to:

- (1) Apply to misdemeanor or petty misdemeanor property offenses;
- Require the whole body of the witness to be visible (2) during the witness's testimony; and
- (3) Require the rule to be liberally construed to further the important public policy of protecting the safety of visitors and residents.

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. 792, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 792, H.D. 1, and be referred to the Committee on Finance.

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

KARL RHOADS, Chair

## State of Hawaii

House of Representatives
The Twenty-eighth Legislature

House of Representatives

The Twenty-eighth Legislature

## Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 792	mmittee Referral:	) Date:	2/10/1	5
☐ 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)	А			
2. SAN BUENAVENTURA, Joy A. (VC	) ×	<b>5</b>		
3. BELATTI, Della Au				У
4. BROWER, Tom				×
5. CREAGAN, Richard P.	×			
6. HASHEM, Mark J.	<b>/</b>			
7. KAWAKAMI, Derek S.K.				×
8. LEE, Chris	X			
9. MORIKAWA, Dee	×			
10. NAKASHIMA, Mark M.	X			
11. TAKAYAMA, Gregg	X			
12. WOODSON, Justin H.				
13. MCDERMOTT, Bob	X			-M
14. THIELEN, Cynthia	/			$\nearrow$
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			<u> </u>	
TOTAL (14)	10	0	0	4
The recommendation is:  Adopted  If joint referral, did not support recommendation.  committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				