

STAND. COM. REP. NO.

2032

Honolulu, Hawaii

FEB 05 2018

RE: S.B. No. 2172
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B.
No. 2172 entitled:

"A BILL FOR AN ACT RELATING TO EXPERT WITNESS FEES,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify
applicable witness fees for testimony, preparation, and in-court
attendance in state court criminal proceedings.

Your Committee received testimony in support of this measure
from the Office of the Public Defender, Department of the
Prosecuting Attorney of the City and County of Honolulu, and
Office of the Prosecuting Attorney of the County of Hawaii. Your
Committee received comments on this measure from the Department of
Budget and Finance.

Your Committee finds that the testimony of expert witnesses
is an important resource for a variety of criminal court
proceedings. In some cases, including many sexual assault cases,
it is almost impossible for the prosecution to establish its case
without the assistance of an expert witness. Expert witness
testimony can also be crucial to a defense against criminal
allegations if the defense relies on a careful and correct
consideration of complex facts or specialized practices. Limiting
access to expert witness testimony through arbitrarily truncating
trial expenses impedes the ability of the court to give criminal



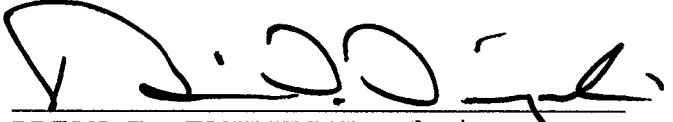
court cases the full and just consideration that those cases deserve.

Your Committee has amended this measure by:

- (1) Specifying that expert witnesses are entitled to reasonable fees; and
- (2) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2172, S.D. 1, and be referred to your Committee on Ways and Means.

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


BRIAN T. TANIGUCHI, Chair



Record of Votes
Committee on Judiciary
JDC

*Only one measure per Record of Votes