STAND. COM. REP. NO. **2032**

Honolulu, Hawaii

FEB 0 5 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,

The Senate Twenty-Ninth Legislature State of Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee	Referral:	Date	e: / / /	47
SB 2172	JPC	WAM		2/1/1	8
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
TANIGUCHI, Brian T. (C)					
RHOADS, Karl (VC)					
GABBARD, Mike		/			
KIM, Donna Mercado					
THIELEN, Laura H.					
					
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TOTAL	-	5	0	0	0
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re		ellow s Office	Pink Drafting Agency		enrod File Copy