

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 2

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2  
entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL DEFENSE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit defendants from claiming that discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation resulted in extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter unless the other circumstances of a defendant's explanation are already sufficient to reasonably find extreme mental or emotional disturbance; and
- (2) Require the court to instruct the jury to disregard bias and prejudice regarding gender, gender identity, gender expression, or sexual orientation when a defendant's explanation of extreme mental or emotional disturbance includes discovery, knowledge, or disclosure of a victim's gender, gender identity, gender expression, or sexual orientation.

Your Committee received testimony in support of this measure from the Hawai'i Civil Rights Commission, Hawai'i State Commission



on the Status of Women, Office of the Prosecuting Attorney of the County of Kaua'i, Honolulu Police Department, LGBT Caucus of the Democratic Party of Hawaii, Americans for Democratic Action, Human Rights Campaign, Rainbow Family 808, and nineteen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that over the years, members of the LGBTQIA community have suffered significant discrimination, prejudice, and other related hardships. Your Committee additionally finds that no one should be targeted as a victim based on bias against their actual or perceived gender, gender identity, gender expression, or sexual orientation. This measure will prevent a defendant from claiming that the discovery of a victim's gender, gender identity, gender expression, or sexual orientation caused extreme mental or emotional disturbance sufficient to reduce a charge of murder to a charge of manslaughter.

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. 2 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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



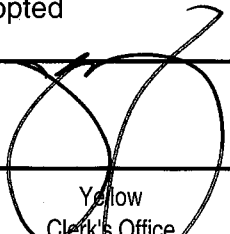
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2	JDC	2/12/19		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
<b>TOTAL</b>	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-size: 2em; margin-top: 10px;">  </div>				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes