STAND. COM. REP. NO. 460

Honolulu, Hawaii

February 14, 2019

RE: H.B. No. 1061

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirtieth State Legislature Regular Session of 2019 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1061 entitled:

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

begs leave to report as follows:

The purpose of this measure is to:

- (1) Create procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations; and
- (2) Specify the remedies available to a defendant for noncompliance.

The Office of the Public Defender testified in support of this measure. The Department of the Prosecuting Attorney of the County of Maui, Maui Police Department, Hawai'i Police Department, Honolulu Police Department, Department of the Prosecuting Attorney of the City and County of Honolulu, and an individual testified in opposition. The Committee on the Rules of Evidence of the Hawai'i Supreme Court and Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Deleting the remedies available to a defendant for noncompliance;
- (2) Changing its effective date to January 28, 2081, to promote further discussion; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 1061, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1061, H.D. 1, and be referred to your Committee on Finance.

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

CHRIS LEE, Chair

State of Hawaii House of Representatives The THIRTIETH Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.:	Committee Referral:	Date:	1.1	
HB 1061	Juo / FIN		2/8/19	,
☐ 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. LEE, Chris (C)				
KAZAMBIN BARAKTAR PER				
2. SAN BUENAVENTURA, Joy A.	(VC)			
3. BROWER, Tom				
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4. CREAGAN, Richard P.				
5. LOWEN, Nicole E.		Secretary and the second	THE POST OF THE PO	
6. McKELVEY, Angus L.K.		NEWSTREET, PARTIE DE LES CONTROL DE LES		A 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1
7. MORIKAWA, Dee	THE REAL PROPERTY OF THE PARTY			
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8. SAY, Calvin K.Y.				HAVE OF BANKEY BANK
9. TAKAYAMA, Gregg				
	18.726 486.25.29			
10. YAMANE, Ryan I.				
		B. Parker B.		
11. THIELEN, Cynthia				

2 100				
TOTAL (11)	9			2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature.				
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