

Honolulu, Hawaii

FEB 14 , 2020

RE: H.B. No. 2001
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2001 entitled:

"A BILL FOR AN ACT RELATING TO MANSLAUGHTER,"

begs leave to report as follows:

The purpose of this measure is to authorize manslaughter prosecutions for wilful and wanton disregard of the need to exercise reasonable case that results in the death of another person.

Your Committee received testimony in support of this measure from the Office of the Prosecuting Attorney of the County of Kauai; Hawaii Construction Alliance; Hawaii Laborers' Union, Local 368; Mothers Against Drunk Driving Hawaii; Hawaii Bicycling League; and eleven individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that prosecutors have an obligation to charge offenders with manslaughter when offenders demonstrate a wilful and wanton disregard of the need to exercise care and commit crimes that result in the death of another person.



Your Committee has amended this measure by changing its effective date to July 1, 2050, to encourage further discussion.

Should this measure proceed further in the legislative process, your Committee respectfully requests that consideration be given to the concerns raised in testimony by the Department of the Attorney General that the terms "wilful" and "wanton" be defined.

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. 2001, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2001, 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



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2001		Committee Referral: JUD, FIN		Date: 2/13/20	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
JUD Members		Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)		/			
2. SAN BUENAVENTURA, Joy A. (VC)		/			
3. BROWER, Tom		/			
4. CREAGAN, Richard P.		/			
5. LOWEN, Nicole E.		/			
6. McKELVEY, Angus L.K.		/			
7. NAKASHIMA, Mark M.					/
8. PERRUSO, Amy A.		/			
9. SAY, Calvin K.Y.		/			
10. TAKAYAMA, Gregg		/			
11. YAMANE, Ryan I.		/			
12. THIELEN, Cynthia		/			
TOTAL (12)		11			1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not 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					