STAND. COM. REP. NO. 372 -20

Honolulu, Hawaii

, 2020

**FEB 13** 

RE: H.B. No. 2610

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. 2610 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to allow a narrow hearsay exception for statements made by a domestic violence victim to a law enforcement officer, emergency medical services provider, or firefighter within twenty-four hours of a domestic violence incident, even if the statement is testimonial in nature, as long as the statement bears sufficient indicia of reliability.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Office of Prosecuting Attorney of the County of Kauai; Department of the Prosecuting Attorney of the County of Maui; Domestic Violence Action Center; Rainbow Family 808; and one individual. 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 Honolulu Police Department.

Your Committee finds that victim statements made within twenty-four hours of an incident are more reliable than statements made at a later time. After twenty-four hours, victims may become less willing to cooperate, the potential for coercion increases, and memories become less reliable.

Your Committee further finds that an incident of domestic violence is part of an ongoing emergency, whereby incidents tend to escalate over time and sometimes result in death. This measure is intended to strike an important balance between protecting a defendant's constitutional right to confront the defendant's accusers and promoting the safety of domestic violence victims and society.

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

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. 2610, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2610, 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

HSCR 372-20

## **Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: HB 2610	Committee Referral:	Date: 2/16 (2>2×		
HB 2610 JUD, FIN 2/16 (2>28)  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)				
2 CAN DUENA VENTURA TOTA	(VC)			
2. SAN BUENAVENTURA, Joy A.	. (VC)   /			
3. BROWER, Tom			<u> </u>	
4. CREAGAN, Richard P.			A CONTRACTOR AND	
5. LOWEN, Nicole E.			. Name de de la	
6. McKELVEY, Angus L.K.				
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7. NAKASHIMA, Mark M.				
8. PERRUSO, Amy A.			The valage of the second	entre en la compañaca e
O CAV Calaba V V				
9. SAY, Calvin K.Y.				
10. TAKAYAMA, Gregg				
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11. YAMANE, Ryan I.			india (2006), a Produccio Plata di India in Colonia	
12. THIELEN, Cynthia				
TOTAL (12)	9			2
The recommendation is:  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				