

Honolulu, Hawaii

FEB 13 2020

RE: S.B. No. 2588
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Commerce, Consumer Protection, and Health,
to which was referred S.B. No. 2588 entitled:

"A BILL FOR AN ACT RELATING TO JURORS,"

begs leave to report as follows:

The purpose and intent of this measure is to permit
psychologists to claim exemption from service as a juror.

Your Committee received testimony in support of this measure
from the Hawai'i Psychological Association and twenty-six
individuals. Your Committee received testimony in opposition to
this measure from the Hawaii State Judiciary.

Your Committee finds that permitting psychologists to claim
exemption from service as a juror would establish parity between
access to mental health care and access to medical and dental
care, pursuant to other permitted exemptions under existing state
law.

Your Committee heard the concerns raised by the Hawaii State
Judiciary in its testimony and finds that the selection of a jury
from a representative cross-section of the population is critical
to our justice system and is an essential component of the
constitutional right to an impartial jury. This measure, combined
with other current exemptions, would severely impact the
Judiciary's ability to maintain an adequate pool of jurors.



Accordingly, amendments to this measure are necessary to address these concerns.

Your Committee has also heard the concerns raised in testimony that compelling psychologists to serve on a jury can make them inaccessible to both ongoing and new patients who may require immediate care and may present further scheduling conflicts for urgent referrals and coordinated care for patients. Your Committee finds that these issues merit further consideration and requests that your Committee on Judiciary examine those issues and concerns raised by the testifiers on this measure.

Your Committee has amended this measure by:

- (1) Clarifying that an actively practicing psychologist may claim exemption from service as a juror if the case concerns a psychologist or former patient; and
- (2) Making conforming technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2588, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2588, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Health,



ROSALYN H. BAKER, Chair



Record of Votes
Committee on Commerce, Consumer Protection, and Health
CPH

*Only one measure per Record of Votes