STAND. COM. REP. NO. 260

Honolulu, Hawaii FEB 1 3 2020 S.B. No. 2588 RE: 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.



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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:

- 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 HO BAKER, Chair



## The Senate Thirtieth Legislature State of Hawaiʻi

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

Bill / Resolution No.:*	Committee	Committee Referral:		Date:	
582598	COHIJDC		217/20		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended V Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members	_	Ауе	Aye (W	R) Nay	Excused
BAKER, Rosalyn H. (C)		~			
CHANG, Stanley (VC)					
NISHIHARA, Clarence K.		V			
RUDERMAN, Russell E.		V			
THIELEN, Laura H.		✓			
WAKAI, Glenn		V			· · · · · · · · · · · · · · · · · · ·
FEVELLA, Kurt					
TOTAL		7			
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

\*Only <u>one</u> measure per Record of Votes