

STAND. COM. REP. NO. 1209

Honolulu, Hawaii

**MAR 25 2021**

RE: H.B. No. 338  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 338, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose and intent of this measure is to require an appellate court to conduct a hearing when a conflict of interest pertaining to a judge or justice is alleged by motion of a party to any suit, action, or proceeding of the appellate court.

Your Committee received testimony in support of this measure from one individual. Your Committee received comments on this measure from the Judiciary.

Your Committee finds that judges are required to be recused from hearing matters for which they have a disqualifying relationship, pecuniary interest, previous judgment, or other perceived bias or prejudice. Your Committee notes that this requirement applies to judges and justices at every level of the court system. Your Committee further finds that at the appellate level, requiring a hearing on a motion to disqualify a justice on an alleged judicial conflict of interest would facilitate a valuable colloquy regarding impartiality, allow a judge or justice the opportunity to rebut any allegation of a disqualifying



conflict of interest, and promote transparency within the State's judiciary.

Your Committee has amended this measure by making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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. 338, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 338, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>HB 338, HD1</b>	Committee Referral: <b>JDC</b>	Date: <b>3/18/2021</b>										
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____												
The Recommendation is:												
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310										
<input type="checkbox"/> Recommit 2313												
Members	Aye	Aye (WR)	Nay	Excused								
RHOADS, Karl (C)	✓											
KEOHOKALOLE, Jarrett (VC)	✓											
ACASIO, Laura			✓									
GABBARD, Mike	✓											
KIM, Donna Mercado	✓											
LEE, Chris	✓											
FEVELLA, Kurt	✓											
<b>TOTAL</b>	<b>6</b>	<b>0</b>	<b>1</b>	<b>0</b>								
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted												
Chair's or Designee's Signature: <i>Karl Rhoads</i>												
<b>Distribution:</b> <table style="width: 100%; border: none;"> <tr> <td style="width: 25%;">Original</td> <td style="width: 25%;">Yellow</td> <td style="width: 25%;">Pink</td> <td style="width: 25%;">Goldenrod</td> </tr> <tr> <td>File with Committee Report</td> <td>Clerk's Office</td> <td>Drafting Agency</td> <td>Committee File Copy</td> </tr> </table>					Original	Yellow	Pink	Goldenrod	File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy
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\*Only one measure per Record of Votes