

STAND. COM. REP. NO.

1866

Honolulu, Hawaii

APR 09 , 2021

RE: S.B. No. 714
S.D. 1
H.D. 3

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 714, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO PUBLICITY RIGHTS,"

begs leave to report as follows:

The purpose of this measure is to clarify that the Hawaii Publicity Rights Act applies retroactively to protect the publicity rights of individuals who died before its enactment.

Your Committee received testimony in support of this measure from nine individuals.

Your Committee finds that the Hawaii Publicity Rights Act was enacted on July 15, 2009, to recognize the existence of the right of publicity as a property right in the commercial use of a person's name, voice, signature, likeness, and other commercially valuable attributes. Your Committee further finds that the Hawaii Publicity Rights Act allows the people of Hawaii to protect their legacy and rights that are not covered by federal copyright law or state and federal trademark laws. Your Committee also finds that the Legislature's intent in enacting the Hawaii Publicity Rights Act was to recognize the right of publicity held by persons living and dead, even if their death occurred before the enactment of the

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Hawaii Publicity Rights Act. This measure will make that intention explicit.

Your Committee has amended this measure by changing the effective date to take effect retroactive to July 15, 2009.

Your Committee notes that this measure will protect the rights of individuals who died before the enactment of the Hawaii Publicity Rights Act but shall not be deemed to affect any rights previously litigated.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 714, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 714, S.D. 1, H.D. 3.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: <i>SB 714, SDI, HD</i>	Committee Referral: <i>ECD, CPC, JHA</i>	Date: <i>3-30-21</i>		
<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)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris				✓
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	11	0	0	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:				
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