

Honolulu, Hawaii
, 2022

FEB 15

RE: H.B. No. 1580
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1580 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

begs leave to report as follows:

The purpose of this measure is to specify under the Hawaii Rules of Evidence that courts may order that the testimony of witnesses be taken through a live two-way video connection in certain circumstances.

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 Department of the Attorney General.

Your Committee finds that the Judiciary has been utilizing two-way video technology as a substitute for in-person attendance in proceedings and hearings due to the coronavirus disease 2019 (COVID-19) pandemic. This technology has allowed the Judiciary to continue its essential role in resolving disputes and administering justice in a safe and timely manner. Your Committee further finds that the continued use of two-way video technology post-COVID-19 will provide greater access to the courts, particularly for out-of-state victims.



Your Committee has amended this measure by:

- (1) Requiring the consent of the prosecuting attorney, in addition to the defendant, to allow the testimony of a witness in a criminal proceeding to be taken under oath through a live two-way video connection;
- (2) Clarifying that the attorneys for the defendant and for the State have the right to full direct and cross-examination;
- (3) Changing the effective date to January 1, 2222, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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 H.B. No. 1580, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1580, H.D. 1, and be referred to your Committee on Finance.

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



MARK M. NAKASHIMA, Chair



