STAND. COM. REP. NO. 70

Honolulu, Hawaii

FEB 0 7 2022 RE: S.B. No. 832 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2022 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 832 entitled:

"A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE,"

begs leave to report as follows:

The purpose and intent of this measure is to expand the victim-counselor privilege to include confidential advocates employed by the University of Hawai'i.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i State Commission on the Status of Women, Hawai'i State Coalition Against Domestic Violence, Sex Abuse Treatment Center, and nine individuals.

Your Committee finds that pursuant to Act 208, Session Laws of Hawaii 2016, the Legislature requires the University of Hawai'i to designate confidential advocates at each campus to provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. However, the law does not provide a mechanism to guarantee confidentiality to students and employees seeking services of campus-based advocates. Your Committee believes that absent additional legal protections, victims may be less likely to share information in fear that information may be later subpoenaed for court proceedings against their wishes. This measure expands the victim-counselor privilege by establishing additional legal



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protections to information that victims share with the University of Hawai'i's confidential advocates to allow victims to share more information in confidence and thereby receive better support from the University of Hawai'i.

Your Committee has amended this measure by:

- Clarifying that the victim has a semiabsolute privilege to refuse or prevent disclosure under the victim counselor privilege;
- (2) Inserting a severability clause;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments 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 S.B. No. 832 and recommends that it pass Second Reading in the form attached hereinto as S.B. No. 832, 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 Hawaiʻi

Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		Date:		
SB832	JDC		01-25-22		
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (W	R) Nay	Excused
RHOADS, Karl (C)		\checkmark			
KEOHOKALOLE, Jarrett (VC)		\checkmark			
ACASIO, Laura		\checkmark			
GABBARD, Mike		ノ			
KIM, Donna Mercado	<u> </u>	\checkmark			
LEE, Chris					\checkmark
FEVELLA, Kurt		\checkmark			
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TOTAL		6		-	١
Recommendation: Not Adopted Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original File with Committee Re		ellow 's Office D	Pink Prafting Age		lenrod e File Copy

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