

STAND. COM. REP. NO. 1616

Honolulu, Hawaii

APR 04 2023

RE: H.B. No. 1502  
H.D. 1  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2023  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1502, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Limit compelled disclosure of sources or unpublished information for journalists, newscasters, and persons participating in the collection or dissemination of news or information of substantial public interest; and
- (2) Establish exceptions.

Your Committee received testimony in support of this measure from two individuals. Your Committee received testimony in opposition to this measure from two individuals.

Prior to decision making on this measure, your Committee made available for public review a proposed S.D. 1 of this measure. The proposed S.D. 1 retained the content of this measure and also inserted provisions that specified that the privilege for journalists, newscasters, and persons participating in the collection or dissemination of news or information of substantial



public interest shall be claimed by them and shall not be claimed by persons who were the source of information.

Your Committee received testimony in support of the proposed S.D. 1 from the League of Women Voters of Hawaii, Big Island Press Club, Society of Professional Journalists Hawaii Chapter, and one individual. Your Committee received comments on the proposed S.D. 1 from the Judiciary.

Your Committee finds that Act 210, Session Laws of Hawaii 2008 (Act 210), temporarily established a limited news media privilege against the compelled disclosure of sources and unpublished information to a legislative, executive, or judicial officer or body, or to any other person who may compel testimony. Subsequently, Act 113, Session Laws of Hawaii 2011, extended the repeal date of Act 210 from June 30, 2011, to June 30, 2013, and required the Judiciary, through the Supreme Court Standing Committee on the Rules of Evidence, to report to the Legislature and make recommendations. In December 2011, the Supreme Court Standing Committee on the Rules of Evidence submitted a report to the Legislature recommending that the sunset provision under Act 210 be repealed and the news media privilege be codified under chapter 621, Hawaii Revised Statutes. This measure enacts the recommendation of the Supreme Court Standing Committee on the Rules of Evidence by enacting a permanent news media privilege.

Your Committee has amended this measure by:

- (1) Adopting the proposed S.D. 1; and
- (2) Inserting an effective date of March 22, 2075, to encourage further discussion.

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. 1502, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1502, 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-Second Legislature  
 State of Hawai'i

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

Bill / Resolution No.:* <b>HB 1502 HDI</b>	Committee Referral: <b>JDC</b>	Date: <b>3/30/23</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)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
<b>TOTAL</b>	<b>4</b>	<b>—</b>	<b>—</b>	<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes