

STAND. COM. REP. NO.

682

Honolulu, Hawaii

MAR 02 2023

RE: S.B. No. 130  
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 S.B. No. 130 entitled:

"A BILL FOR AN ACT RELATING TO THE UNIFORM CHILD-CUSTODY JURISDICTION AND ENFORCEMENT ACT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Allow state courts discretion to not enforce a child-custody determination of a foreign country if the law of the foreign country imposes capital punishment for apostasy, religious or political beliefs, or homosexuality, and a parent or child demonstrates risk of being subject to the law, and
- (2) Define "apostasy".

Your Committee received testimony in support of this measure from the Stonewall Caucus of the Democratic Party of Hawai'i, North Shore Ko'olau Diversity Collection, Rainbow Family 808, and four individuals. Your Committee received testimony in opposition to this measure from the Commission to Promote Uniform Laws.

Your Committee finds that enforcing a foreign country's child-custody determination that may result in the child or parents being subject to capital punishment in that country, would



be highly unethical and may result in a possible death sentence to those impacted. Your Committee further finds that it must protect individuals' human rights. This measure will ensure that individuals subject to child-custody law enforcement are not imprisoned or killed by another country based on their practice or beliefs.

Your Committee has amended this measure by:

- (1) Specifying that state courts have the discretion to not enforce a child-custody determination of a foreign country if the child-custody law of the foreign country imposes capital punishment for apostasy, religious or political beliefs, or homosexuality, and a parent or child demonstrates risk of being subject to the law;
- (2) Inserting an effective date of March 22, 2075, to encourage further discussion; and
- (3) 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 S.B. No. 130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 130, 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



