

STAND. COM. REP. NO. 2123

Honolulu, Hawaii

RE: S.B. No. 2107  
FEB 02 2024

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2107 entitled:

"A BILL FOR AN ACT RELATING TO SPECIAL COUNSEL,"

begs leave to report as follows:

The purpose and intent of this measure is to allow the Attorney General to appoint a special counsel to assume the Attorney General's powers and responsibilities over an investigation of a person or matter when the investigation or prosecution of, or any other legal or administrative action against the person or matter by the Department of the Attorney General, may present a conflict of interest.

Your Committee received testimony in opposition to this measure from the Department of the Attorney General.

Your Committee received comments on this measure from one individual.

Your Committee finds that the Attorney General has a range of options to resolve conflicts of interest that implicate the Attorney General personally or the Department of the Attorney General as a whole. For example, the Attorney General may request any of the four county prosecuting attorneys to investigate and prosecute criminal acts when the Attorney General or the Department of the Attorney General has an unresolvable conflict of interest. However, certain events may arise that may require the



Attorney General to appoint a special counsel to assume the Attorney General's powers and responsibilities over an investigation if the investigation presents a conflict of interest. Your Committee believes that providing the Attorney General with additional tools to address conflicts of interest are in the public interest. This measure will provide another avenue for the Attorney General to perform his or her duties in the case of an unresolvable conflict of interest.

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. 2107 and recommends that it pass Second Reading and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



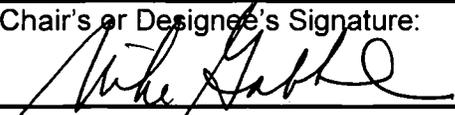
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KARL RHOADS, Chair



The Senate  
Thirty-Second Legislature  
State of Hawai'i

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

Bill / Resolution No.:* <b>SB2107</b>	Committee Referral: <b>JDC, WAM</b>	Date: <b>01 / 25 / 24</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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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>1</b>	<b>—</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:             Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes