

Honolulu, Hawaii

APR 25 2024

RE: S.B. No. 3033
H.D. 1
C.D. 1

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 3033, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PHYSICAL EVIDENCE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to align the criminal offense of tampering with physical evidence with the wording of the Model Penal Code for tampering with or fabricating physical evidence.

Your Committee on Conference finds that existing law omits several phrases from the corresponding offense in the Model Penal Code that are needed to comprehensively combat physical evidence offenses. Tampering with physical evidence can take many forms beyond what is provided in existing law, and your Committee on Conference believes that the Model Penal Code wording for the corresponding offense encompasses those forms. This measure will increase the probability that evidence will be accurate and credible by increasing the scope of when tampering with physical evidence is



an offense and making the fabrication of physical evidence an offense.

Your Committee on Conference has amended this measure by:

- (1) Making it effective upon its approval; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 3033, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3033, H.D. 1, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



DAVID A. TARNAS
Chair



KARL RHOADS
Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 3033, HD 1	Date/Time: 4/19/24 1:56 PM
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				TARNAS, David A., Chr.	✓			
SAN BUENAVENTURA, Joy A.	✓				TAKAYAMA, Gregg	✓			
AWA, Brenton				✓	SOUZA, Kanani	✓			
TOTAL	2	0	0	1	TOTAL	3	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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