

Honolulu, Hawaii

APR 25 2024

RE: S.B. No. 3034  
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. 3034, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PENAL LIABILITY,"

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 explicitly categorize defenses to penal liability based on intoxication that is not self-induced or is pathological as affirmative defenses.

Your Committee on Conference finds that existing law allows criminal defendants to raise intoxication defenses during the trial, which leaves the prosecution at severe disadvantage due to the prosecution lacking sufficient time to investigate these claims. This measure will shift the initial burden of proof regarding these defenses to the defendant, thereby allowing the prosecution to fully vet the legitimacy of the defense and possible lack of supportive evidence while still requiring a defendant be found not guilty, should the prosecution be unable to meet its burden of proof.



Your Committee on Conference has amended this measure by:

- (1) Including a sunset date of July 1, 2034;
- (2) Making it effective upon its approval; and
- (3) Making technical, nonsubstantive amendments 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. 3034, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 3034, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE



---

DAVID A. TARNAS  
Chair

ON THE PART OF THE SENATE



---

KARL RHOADS  
Chair



**Record of Votes of a  
Conference Committee**

Bill / Concurrent Resolution No.: <b>SB 3034, HD 1</b>	Date/Time: 04/22/24 1:50 pm
---	--------------------------------

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.
---	---

Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				TARNAS, David A., Chr.	✓			
ELEFANTE, Brandon J.C.	✓				TAKAYAMA, Gregg	✓			
AWA, Brenton				✓	SOUZA, Kanani	✓			
<b>TOTAL</b>	2	0	0	1	<b>TOTAL</b>	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
---	--

Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
--	---

**Distribution:**                      **Original**                      **Yellow**                      **Pink**                      **Goldenrod**  
    File with Conference Committee Report                      House Clerk's Office                      Senate Clerk's Office                      Drafting Agency