STAND. COM. REP. NO. 2834

Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 3034

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. 3034 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to explicitly categorize defenses based on intoxication that is pathological or not self-induced as affirmative defenses.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Law Enforcement, and Office of the Prosecuting Attorney of the County of Kaua'i.

Your Committee finds that intoxication as a defense creates inequity in the judicial system when the defendant raises, or infers the possibility of, an intoxication defense to the prosecution months after the incident has occurred. In some cases, crucial substantive or tangible evidence may be destroyed, lost, or tampered with before a defendant raises an intoxication defense. Additionally, the prosecution is left at a severe disadvantage as the prosecution and law enforcement are unable to thoroughly investigate the claims beyond a reasonable doubt. This measure ensures fair and just prosecution while providing for instances of legitimate defense.

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. 3034 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

## The Senate Thirty-Second Legislature State of Hawai'i

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:*	Committee Referral:		1	Date:	
SB 3034	UDC			02 15 24	
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR	) Nay	Excused
RHOADS, Karl (C)					
GABBARD, Mike (VC)					
ELEFANTE, Brandon J.C.					
SAN BUENAVENTURA, Joy A.					
AWA, Brenton					
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TOTAL					
Recommendation:		<u> </u>			
Adopted Not Adopted					
Chair's or Designage's Signature:					
Distribution: Original Yellow Pink Goldenrod   File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes