

ACT 88

H.B. NO. 1253

A Bill for an Act Relating to the Hawaii Rules of Evidence.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 626-1, Hawaii Revised Statutes, is amended by adding to Article IV a new rule to be appropriately designated and to read as follows:

“Rule Admissibility of expressions of sympathy and condolence.
Evidence of statements or gestures that express sympathy, commiseration, or condolence concerning the consequences of an event in which the declarant was a participant is not admissible to prove liability for any claim growing out of the event. This rule does not require the exclusion of an apology or other statement that acknowledges or implies fault even though contained in, or part of, any statement or gesture excludable under this rule.”

SECTION 2. This Act does not affect the rights or duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 23, 2007.)