
A BILL FOR AN ACT

RELATING TO THE HAWAII RULES OF EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 626-1, Hawaii Revised Statutes, is
2 amended by amending subsection (a) of rule 103 to read as
3 follows:

4 "(a) Effect of erroneous ruling. Error may not be
5 predicated upon a ruling [~~which~~] that admits or excludes
6 evidence unless a substantial right of the party is affected,
7 and:

8 (1) Objection. In case the ruling is one admitting
9 evidence, a timely objection or motion to strike
10 appears of record, stating the specific ground of
11 objection, if the specific ground was not apparent
12 from the context; or

13 (2) Offer of proof. In case the ruling is one excluding
14 evidence, the substance of the evidence was made known
15 to the court by offer or was apparent from the context
16 within which questions were asked.

17 Once the court makes a definitive ruling on the record
18 admitting or excluding evidence, either at or before trial, a



1 party need not renew an objection or offer of proof to preserve
2 a claim of error for appeal."

3 SECTION 2. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 3. This Act shall take effect upon its approval.
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Report Title:

Evidence; Appeal

Description:

Provides that an issue regarding admission or exclusion of evidence is preserved for appeal once the court makes a definitive ruling on the issue and that a litigant need not renew objection or make offer of proof thereafter to preserve the issue for appeal.

