
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 rule 103, subsection (a), to read as
3 follows:

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

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

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

16 Once the court makes a definitive ruling on the record admitting



1 or excluding evidence, either at or before trial, a party need
2 not renew an objection or offer of proof to preserve a claim of
3 error for appeal."

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

7 SECTION 3. New statutory material is underscored.

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



Report Title:
Evidence; Appeal

PROPOSED

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. (SD1)

