

Honolulu, Hawaii

MAR 23 2006

RE: H.B. No. 3253
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred H.B. No. 3253 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to amend the rules of evidence on erroneous rulings so that a party does not need to renew an objection or offer proof once a court makes a definitive ruling on the record admitting or excluding evidence.

Your Committee received testimony in support of the measure from the Judiciary and the Office of the Public Defender.

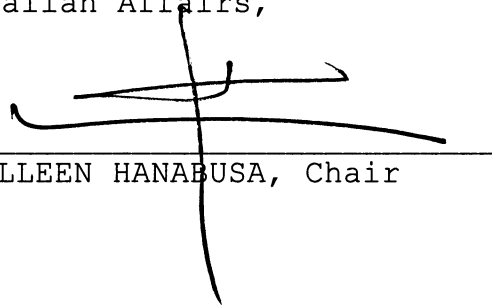
Your Committee finds that this measure codifies the Hawaii Supreme Court's holding in *Ditto v. McCurdy*, 98 Hawaii 123, 130 n.9, 44 P.3d 274, 281 n.9 (2002) and is identical to rule 103 of the Federal Rules of Evidence.

Your Committee amended this measure to substitute its contents with those of S.B. 2582, which has a savings clause and minor technical differences from this measure.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 3253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3253, S.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,

A handwritten signature in black ink, appearing to read 'Colleen Hanabusa', is written over a horizontal line. The signature is stylized with a vertical stroke that extends both above and below the line.

COLLEEN HANABUSA, Chair



