

Honolulu, Hawaii

MAR - 3 2006

RE: S.B. No. 679
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 S.B. No. 679 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO THE CONSTITUTION
OF THE STATE OF HAWAII RELATING TO TESTIMONY OF DEFENDANTS IN
CRIMINAL CASES,"

begs leave to report as follows:

The purpose of this measure is to propose an amendment to the
state constitution to provide that evidence that a testifying
defendant has been convicted of a crime of dishonesty shall be
admissible to assist the judge or jury in evaluating the
credibility of the defendant to the same extent as any other
testifying witness.

Testimony in support of this measure was submitted by the
Attorney General, the City and County of Honolulu Prosecuting
Attorney, the Honolulu Police Department, the County of Hawaii
Police Department, and the State of Hawaii Organization of Police
Officers. Testimony in opposition to this measure was submitted
by the Judiciary, the Office of the Public Defender, and the
Community Alliance on Prisons.

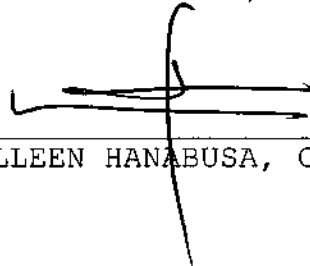
Your Committee finds that in Hawaii, witnesses other than the
defendant may be impeached by the use of prior convictions.
However, in *State v. Santiago*, 53 Haw. 254 (1971), the Hawaii
Supreme Court ruled that a defendant may not be impeached by the
use of prior convictions, even if those prior convictions involve
crimes relating to the making of false statements or to



dishonesty. This is in direct contrast to the federal rules, which permits the use of any conviction of dishonesty or false statement for impeachment of a defendant. This measure will put Hawaii in line with the federal law and will not take away any rights afforded defendants under rules 403 and 609 of the Hawaii Rules of Evidence.

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 S.B. No. 679, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 679, 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,



COLLEEN HANABUSA, Chair



