

STAND. COM. REP. NO. 819

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 1253  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1253 entitled:

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

begs leave to report as follows:

The purpose of this bill is to allow individuals, corporations, and government entities to offer apologies or other expressions of sympathy without fear of such gestures being used against them to establish liability.

The Department of the Attorney General and several attorneys of Starn O'Toole Marcus & Fisher testified in support of this bill. The Judiciary supported the intent of this measure. The Consumer Lawyers of Hawaii opposed this bill.

Your Committee has amended this bill by:

- (1) Confining the bill to civil actions against healthcare providers, and benevolent gestures made to the patient or patient's family;
- (2) More specifically describing the benevolent gestures that are not admissible as evidence;
- (3) Changing the effective date to January 1, 2112, to encourage further discussion; and

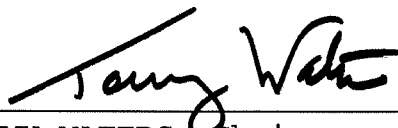
HB1253 HD1 HSCR JUD HMS 2007-2737



- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1253, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1253, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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TOMMY WATERS, Chair



