
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 adding to Article IV a new rule to be appropriately
3 designated and to read as follows:

4 "Rule Admissibility of expressions of sympathy and
5 condolence. Evidence of statements or gestures that express
6 sympathy, commiseration, or condolence concerning the
7 consequences of an event in which the declarant was a
8 participant is not admissible to prove liability for any claim
9 growing out of the event. This rule does not require the
10 exclusion of an apology or other statement that acknowledges or
11 implies fault even though contained in, or part of, any
12 statement or gesture excludable under this rule."

13 SECTION 2. This Act does not affect the rights or duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun, before its effective date.

16 SECTION 3. New statutory material is underscored.

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



Report Title:

Evidence of statements or gestures expressing sympathy, commiseration or condolence.

Description:

Renders evidence of statements or gestures expressing sympathy, commiseration, or condolence concerning consequences of an event inadmissible to establish civil liability. Statements of apology or fault remain admissible. (SD1)

