

JAN 19 2007

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 404, subsection (a) to read as follows:

3 "(a) Character evidence generally. Evidence of a person's
4 character or a trait of a person's character is not admissible
5 for the purpose of proving action in conformity therewith on a
6 particular occasion, except:

7 (1) Character of accused. Evidence of a pertinent trait
8 of character of an accused offered by an accused, or
9 by the prosecution to rebut the same[+], or if
10 evidence of the alleged victim's character for
11 aggressiveness or violence is offered by an accused
12 and admitted under rule 404(a)(2), evidence of the
13 same trait of character of the accused offered by the
14 prosecution;

15 (2) Character of victim. Evidence of a pertinent trait of
16 character of the victim of the crime offered by an
17 accused, or by the prosecution to rebut the same, or



1 evidence of a character trait of peacefulness of the
2 victim offered by the prosecution in a homicide case
3 to rebut evidence that the victim was the first
4 aggressor;

5 (3) Character of witness. Evidence of the character of a
6 witness, as provided in rules 607, 608, 609, and
7 609.1."

8 SECTION 2. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun, before its effective date.

11 SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: _____

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Report Title:

Evidence; Character of accused

Description:

Provides that if evidence of an alleged victim's character for aggressiveness or violence is offered by an accused and admitted under rule 404(a)(2), evidence of the same trait of character of the accused offered by the prosecution may be admissible.

