

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 1234  
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. 1234 entitled:

"A BILL FOR AN ACT RELATING TO TESTIMONY,"

begs leave to report as follows:

The purpose of this bill is to adopt a uniform standard, based on the Federal Rules of Evidence, for ensuring the admissibility of reliable, trustworthy, and relevant lay and expert testimony in a judicial proceeding.

The Department of the Attorney General, Watanabe Ing & Komeiji, LLP, and several attorneys of Starn O'Toole Marcus & Fisher testified in support of this bill. The Judiciary, Office of the Public Defender, Consumer Lawyers of Hawaii, and a concerned individual opposed this measure.

Your Committee has amended this bill by:

- (1) Changing the effective date to January 1, 2112, to encourage further discussion; and
- (2) 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.



1234, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1234, H.D. 1, and be placed on the calendar for Third Reading.

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

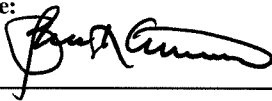


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TOMMY WATERS, Chair



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 1234		Date: 2/27/07		
Committee Referral: JUD		<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.		
The recommendation is to: <input type="checkbox"/> Pass, unamended <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Pass, with amendments, for recommitment for further consideration				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	✓			
2. OSHIRO, Blake K. (VC)	✓			
3. CALDWELL, Kirk	✓			
4. EVANS, Cindy	✓			
5. GREEN, Josh, M.D.	✓			
6. ITO, Ken	✓			
7. LUKE, Sylvia		✓		
8. McKELVEY, Angus L.K.		✓		
9. MORITA, Hermina M.		✓		
10. SONSON, Alex M.		✓		
11. SOUKI, Joseph M.	✓			
12. TSUJI, Clift	✓			
13. YAMANE, Ryan I.				✓
14. YAMASHITA, Kyle T.	✓			
15. MARUMOTO, Barbara C.		✓		
16. PINE, Kymberly Marcos		✓		
17. THIELEN, Cynthia				✓
TOTAL	9	6		2
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – HMSO Duplicate (Pink) – Clerk's Office				