

Honolulu, Hawaii

Fe 4 14 , 2008

RE: H.B. No. 3053
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3053 entitled:

"A BILL FOR AN ACT RELATING TO NOTARIES PUBLIC,"

begs leave to report as follows:

The purpose of this bill is to clarify the powers and duties of the Attorney General with respect to notaries public. Specifically, this bill:

- (1) Criminalizes the notarization of a document where the notary public has not:
 - (A) Verified the identity of the signer; and
 - (B) Evidenced such notarization with a certificate signed and dated by the notary public and including the requisite information;
- (2) Criminalizes the misrepresentation of a notarized document;
- (3) Identifies conduct that would subject a notary to administrative fines; and
- (4) Establishes a six-year retention policy for notary public record books.



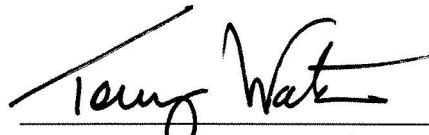
The Department of the Attorney General testified in support of this bill. The Escrow Association of Hawaii supported this measure in part. A concerned individual opposed this bill.

Your Committee has amended this bill by:

- (1) Changing its effective date to July 1, 2112; 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. 3053, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3053, H.D. 1, and be referred to the Committee on Finance.

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



TOMMY WATERS, Chair



State of Hawaii
House of Representatives
The Twenty-fourth Legislature

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 3053	Committee Referral: JUD, FIN	Date: 2/8/08		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) (<input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)	✓			
2. OSHIRO, Blake K. (VC)				/
3. EVANS, Cindy		✓		
4. GREEN, Josh, M.D.	✓			
5. ITO, Ken	✓			
6. LUKE, Sylvia	✓			
7. McKELVEY, Angus L.K.				/
8. MORITA, Hermina M.				/ RA ✓
9. SONSON, Alex M.				
10. SOUKI, Joseph M.	✓			
11. TSUJI, Clift	✓			
12. YAMANE, Ryan I.	/			
13. YAMASHITA, Kyle T.	✓			
14. MARUMOTO, Barbara C.	✓			
15. PINE, Kymberly Marcos	✓			
16. THIELEN, Cynthia	✓			
TOTAL (16)	11	1		4
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small style="margin-left: 100px;">committee acronym(s)</small>				
Vice Chair's or designee's signature: _____ 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				