

Honolulu, Hawaii

APR 04 2008

RE: H.B. No. 2557
H.D. 1
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 2557, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to enact a limitation on compelling testimony from journalists and newscasters (shield law).

Your Committee received testimony in support of this measure from the League of Women Voters, Honolulu Community-Media Council, and two individuals. Testimony in opposition was received from the Judiciary, State Attorney General, Honolulu Prosecuting Attorney, Honolulu Police Department, and The Big Island Press Club. Comments were received from the American Civil Liberties Union of Hawai'i and from an ad hoc association of journalists, newspapers, and media.

This measure applies to any newspaper, magazine, news agency, press association, wire service, or radio or television transmission station or network, with regards to testimony or the production of evidence before a legislative, executive, or judicial officer or body, or any other authority having the power to compel testimony or the production of evidence, to disclose, by subpoena or otherwise. The shield provided under this measure is that no fine or imprisonment shall be imposed against a person



claiming the privilege for refusal to disclose information considered to be privileged pursuant to this measure.

Your Committee has amended this measure on the recommendation of the media representative who stated that, although they are collaborating with other interested parties such as the Prosecuting Attorney and the Attorney General, they have not come to a consensus. The amendments suggested at this time include specifying the applicable persons, news entities, circumstances, and conditions of the protections afforded by this measure. It was further indicated that they are close in agreement on concept but need additional time to carefully craft the language, due to the inherent contentious nature of this issue. Your Committee has also changed the effective date to July 1, 2050, to allow discussion on these matters.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2557, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2557, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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


BRIAN T. TANIGUCHI, Chair



