

STAND. COM. REP. NO.

820

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 1339  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2007  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 1339 entitled:

"A BILL FOR AN ACT RELATING TO THE HAWAII RULES OF EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to amend the Rules of Evidence to allow individuals, corporations, and government entities to apologize to persons who have been harmed, without having their benevolent gestures or statements be used as evidence of negligence in a civil law suit.

Your Committee received testimony in support of this measure from the Attorney General. The Consumer Lawyers of Hawaii (CLH) opposed this measure. The Judiciary's Standing Committee on the Rules of Evidence (Standing Committee) testified in support of the intent, and proposed a revision.

CLH expressed concern that "apology" implies acknowledgment of fault, but "benevolent gesture" connotes good faith concern. The Standing Committee expressed concern that "apology" and "benevolent gesture" were not defined, and, mindful of S.B. No. 813 (2007) dealing with the admissibility of expressions of sympathy or benevolence by health care providers, urged your Committee to adopt a unified measure on this subject that applies equally to all persons and entities.



Your Committee finds that in circumstances where expression of sympathy may be key to healing feelings, this measure will encourage dispute resolution without litigation.

Your Committee has amended this measure by inserting the language proposed by the Standing Committee.

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 S.B. No. 1339, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1339, 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,



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CLAYTON HEE, Chair



