

STAND. COM. REP. NO.

886

Honolulu, Hawaii

MAR 02 2007

RE: S.B. No. 961  
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. 961 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 provide 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) of the  
Hawaii Rules of Evidence, then evidence of the same trait of  
character of the accused offered by the prosecution may be  
admissible.

Your Committee received testimony in support of the bill from  
the Attorney General's Office, the Honolulu Prosecuting Attorney's  
Office, the Judiciary's Standing Committee on Evidence, and from a  
private citizen. The Public Defender's Office testified in  
opposition to the bill.

Your Committee finds that the Judiciary Standing Committee on  
the Rules of Evidence studied and approved a change in the rules  
of evidence to allow for the admission of the accused trait of  
character for aggressiveness under a limited circumstance. This  
bill seeks to permit a more balanced presentation of character  
evidence by providing the judge or a jury with a complete picture  
of the evidence.

Your Committee has made clarifying amendments to the bill by  
inserting the phrase "trait of" before "character" for

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consistency, and removing the words "for violence" and refer to only aggressiveness.

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. 961, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 961, 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



The Senate  
 Twenty-Fourth Legislature  
 State of Hawaii

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 961</b>	Committee Referral: <b>JDL</b>	Date: <b>2/28/07</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	/			
KOKUBUN, Russell S. (VC)	/			
INOUYE, Lorraine R.	/			
NISHIHARA, Clarence K.				/
GABBARD, Mike	/			
<b>TOTAL</b>	<b>4</b>			<b>1</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Russell S. Kohl</i>				
Distribution:	Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	

\*Only one measure per Record of Votes