

JAN 26 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII CONSTITUTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The purpose of criminal trials in the State of
2 Hawaii ought to be to find the truth, to convict the guilty, and
3 to free the innocent. Admission, not exclusion, of relevant
4 evidence furthers these goals. The Constitution and laws of the
5 United States, and statutes of the State of Hawaii duly enacted
6 by the legislature, appropriately restrict the admission of
7 relevant evidence in some circumstances. The supreme court of
8 Hawaii, however, has broadly interpreted Hawaii's constitution
9 to require the exclusion of relevant evidence in criminal cases
10 in ways that impede the truth-finding function of criminal
11 trials. This amendment prevents that type of exclusion of
12 evidence, and makes clear that relevant evidence shall always be
13 admitted in criminal trials unless exclusion of that evidence is
14 pursuant to the United States Constitution or the laws of the
15 United States or the State of Hawaii.

16 Because the rules of evidence of the State of Hawaii are
17 statutes of the State of Hawaii, this amendment will not affect
18 the current rules of evidence.



1 SECTION 2. Article I of the Constitution of the State of
2 Hawaii is amended by adding a new section to be appropriately
3 designated and to read as follows:

4 "ADMISSIBILITY OF RELEVANT EVIDENCE IN CRIMINAL CASES

5 Section . Any other provision of this constitution
6 notwithstanding, relevant evidence shall never be excluded from
7 evidence in criminal cases except pursuant to the laws or
8 Constitution of the United States or a State of Hawaii statute."

9 SECTION 3. The question to be printed on the ballot shall
10 be as follows:

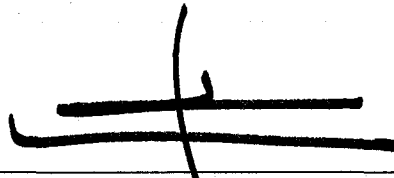
11 "Shall Hawaii's constitution be amended to provide that
12 relevant evidence shall never be excluded from evidence in
13 criminal cases except pursuant to the laws or Constitution
14 of the United States or a State of Hawaii statute?"

15 SECTION 4. New constitutional material is underscored.

16 SECTION 5. This amendment shall take effect upon
17 compliance with article XVII, section 3, of the Constitution of
18 the State of Hawaii.

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INTRODUCED BY:



By Request



Report Title:

Constitutional Amendment; Admission of Evidence

Description:

Amends article I of the state constitution to provide that relevant evidence in criminal cases shall not be excluded except pursuant to the laws or constitution of the United States or a state statute.

