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## A BILL FOR AN ACT

RELATING TO EVIDENCE.

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

1           SECTION 1. Section 626-1, Hawaii Revised Statutes, is  
2 amended by amending rule 303, subsection (c), to read as  
3 follows:

4           "(c) Presumptions. The following presumptions, and all  
5 other presumptions established by law that fall within the  
6 criteria of subsection (a) of this rule, are presumptions  
7 imposing the burden of producing evidence:

8           (1) Money delivered by one to another. Money delivered by  
9 one to another is presumed to have been due to the  
10 latter.

11           (2) Thing delivered by one to another. A thing delivered  
12 by one to another is presumed to have belonged to the  
13 latter.

14           (3) Obligation delivered up to the debtor. An obligation  
15 delivered up to the debtor is presumed to have been  
16 paid.



- 1           (4)   Obligation possessed by creditor.  An obligation  
2                   possessed by a creditor is presumed not to have been  
3                   paid.
- 4           (5)   Payment of earlier rent or installments.  The payment  
5                   of earlier rent or installments is presumed from a  
6                   receipt for later rent or installments.
- 7           (6)   Things possessed.  The things which a person possesses  
8                   are presumed to be owned by the person.
- 9           (7)   Exercise of act of ownership.  A person who exercises  
10                  acts of ownership over property is presumed to be the  
11                  owner of it.
- 12          (8)   Judgment determines, sets forth rights of parties.  A  
13                  judgment, when not conclusive, is presumed to  
14                  correctly determine or set forth the rights of the  
15                  parties, but there is no presumption that the facts  
16                  essential to the judgment have been correctly  
17                  determined.
- 18          (9)   Writing.  A writing is presumed to have been truly  
19                  dated.
- 20          (10)  Letter properly addressed and mailed.  A letter  
21                  correctly addressed and properly mailed is presumed to  
22                  have been received in the ordinary course of mail.



- 1           (11) Trustee's conveyance to a particular person. A  
2           trustee or other person, whose duty it was to convey  
3           real property to a particular person, is presumed to  
4           have actually conveyed to the person when such  
5           presumption is necessary to perfect title of such  
6           person or the person's successor in interest.
- 7           (12) Ancient document affecting real or personal property  
8           interest. A deed or will or other writing purporting  
9           to create, terminate, or affect an interest in real or  
10          personal property is presumed authentic if:  
11          (A) It is at least twenty years old;  
12          (B) It is in such condition as to create no  
13          reasonable suspicion concerning its authenticity;  
14          (C) It was kept, or if found was found, in a place  
15          where such writing, if authentic, would be likely  
16          to be kept or found; and  
17          (D) Persons having an interest in the matter have  
18          been generally acting as if it were authentic.
- 19          (13) Book or other material purporting to be published by  
20          public authority. A book or other material purporting  
21          to be printed [~~æ~~], published, or posted to an



1            internet website by public authority is presumed to  
2            have been so printed [~~ex~~], published[-], or posted.

3            (14) Book or internet website purporting to contain reports  
4            of adjudged cases. A book or government website  
5            purporting to contain reports of cases adjudged in the  
6            tribunals of the state or nation where the book is  
7            published or from which the government website is  
8            maintained is presumed to contain correct reports of  
9            such cases.

10           (15) Continuation of a fact, condition, or state. A fact,  
11           condition, or state of things is presumed to continue.

12           (16) Paid bills. A bill for goods or services that has  
13           been paid is presumed to be authentic and to embody  
14           fair and reasonable charges for the itemized goods or  
15           services."

16           SECTION 2. This Act does not affect rights and duties that  
17           matured, penalties that were incurred, and proceedings that were  
18           begun before its effective date.

19           SECTION 3. Statutory material to be repealed is bracketed  
20           and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY: ~~DO. Keith-Gray~~

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**Report Title:**

Evidence; Presumptions

**Description:**

Extends evidentiary presumptions regarding publications and legal opinions to those posted to government websites.

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