

JAN 28 2009

A BILL FOR AN ACT

PROPOSING AN AMENDMENT TO ARTICLE I OF THE HAWAII STATE
CONSTITUTION TO REQUIRE THE ADMISSION OF RELEVANT EVIDENCE
IN CRIMINAL CASES UNLESS EXCLUDED BY LAW.

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



1 SECTION 2. The purpose of this Act is to propose an
 2 amendment to article I of the Constitution of the State of
 3 Hawaii to provide that all relevant evidence is not to be
 4 excluded in criminal cases, except as provided by law.

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

8 "ADMISSIBILITY OF RELEVANT EVIDENCE IN CRIMINAL CASES

9 Section . Relevant evidence shall not be excluded from
 10 evidence in criminal cases except pursuant to the laws or
 11 Constitution of the United States or a State of Hawaii statute."

12 SECTION 4. The question to be printed on the ballot shall
 13 be as follows:

14 "Shall relevant evidence not be excluded in criminal cases
 15 except pursuant to the laws or Constitution of the United
 16 States or a State of Hawaii statute?"

17 SECTION 5. New constitutional material is underscored.

18 SECTION 6. This amendment shall take effect upon
 19 compliance with article XVII, section 3, of the Constitution of
 20 the State of Hawaii.

21 INTRODUCED BY:

Will Egan
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SA

S.B. NO. 1150

Frederick
Mike Hubbard



Report Title:

Evidence; Admissibility

Description:

Proposes a constitutional amendment to provide that relevant evidence may never be excluded in criminal cases, except pursuant to law.

