

STAND. COM. REP. NO. 676

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 130

H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 130 entitled:

"A BILL FOR AN ACT RELATING TO JUDGMENTS,"

begs leave to report as follows:

The purpose of this bill is to help protect the free-flow of information by declaring foreign defamation judgments unenforceable in Hawaii unless the foreign defamation law affords free speech protections equivalent to those granted in both the United States and Hawaii Constitutions.

The American Civil Liberties Union of Hawaii testified in support of this measure.

Your Committee has amended this bill by:

- (1) Providing a definition of "publish";
- (2) Clarifying that foreign judgments are unenforceable if the defamation law applied in the foreign court did not provide as much or greater free-speech protection than that afforded under United States and Hawaii law; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.



As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 130, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 130, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



JON RIKI KARAMATSU, Chair



