

Honolulu, Hawaii

MAR 06 2009

RE: S.B. No. 1192
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Judiciary and Government Operations, to which was referred S.B. No. 1192 entitled:

"A BILL FOR AN ACT RELATING TO DISTRICT COURT,"

begs leave to report as follows:

The purpose of this measure is to increase the jurisdictional limits of small claims court, as follows:

- (1) For cases for the recovery of money, from \$3,500 to \$7,000, exclusive of interest and costs; and
- (2) For cases for the return of leased or rented personal property, from \$3,500 to \$7,000, exclusive of interest and costs.

Your Committee received testimony in support of this measure from the Legal Aid Society of Hawai'i, Access to Justice Commission, The Mediation Center of the Pacific, Inc., and four individuals. Comments were received from the Judiciary. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee finds that this measure would allow a person with a claim of \$7,000 or less to use the small claims court. Increasing the jurisdictional limit of the small claims court to \$7,000 will enable more people to pursue their claims in an easier, less expensive and more expeditious manner than is the



usual case in the Regular Claims Division of the District Court or the Circuit Court.

Your Committee is aware that raising the limit to \$7,000 would enable a litigant to demand a jury trial under the Hawaii State Constitution's right to a jury trial in matters over \$5,000. Your Committee understands the potential increase in costs and time involved in a jury trial. Nevertheless, your Committee believes that this measure has merits that deserve further consideration and discussion.

Your Committee has amended this measure by changing the effective date to July 1, 2050.

As affirmed by the record of votes of the members of your Committee on Judiciary and Government Operations that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1192, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1192, 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
Government Operations,


BRIAN T. TANIGUCHI, Chair



The Senate
Twenty-Fifth Legislature
State of Hawaii

Record of Votes
Committee on Judiciary and Government Operations
JGO

Bill / Resolution No.:* SB 1192	Committee Referral: JGO	Date: 2/6/09		
<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
TANIGUCHI, Brian T. (C)	✓			
TAKAMINE, Dwight Y. (VC)	✓			
BUNDA, Robert	✓			
GABBARD, Mike	✓			
NISHIHARA, Clarence K.	✓			
SLOM, Sam	✓			
TOTAL	6	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes