



GOV. MSG. NO. 1149

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

May 5, 2011

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on May 5, 2011, the following bill was signed into law:

HB439 HD1 SD1

RELATING TO EVIDENCE
ACT 047 (11)

Sincerely,

NEIL ABERCROMBIE
Governor, State of Hawaii

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~~ that a person
8 possesses 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 the real property to the person
5 when such presumption is necessary to perfect title of
6 such 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 [~~e~~], published, or posted to an



1 internet website by public authority is presumed to
2 have been so printed [~~œ~~], 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
12 continue [-]; and

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

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

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 Statutory material to be repealed is bracketed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



1 SECTION 4. This Act shall take effect on July 1, 2011.

2

APPROVED this 5th day of May, 2011

Neil Abernethy

GOVERNOR OF THE STATE OF HAWAII

