
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 [~~or~~], published, or posted to an



1 internet website by public authority is presumed to
2 have been so printed [~~e~~], 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: ~~Sen. C. ...~~

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JAN 21 2011

Report Title:

Evidence; Presumptions

Description:

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

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