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# 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[-] i
- 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[-] i
- 7 (6) Things possessed. The things which a person possesses  
8 are presumed to be owned by the person[-] i
- 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[-] i
- 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[-] i
- 18 (9) Writing. A writing is presumed to have been truly  
19 dated[-] i
- 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[-] i



- 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 [~~or~~], published [~~or~~], 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 [~~or~~];
- 10           (15) Continuation of a fact, condition, or state. A fact,  
11           condition, or state of things is presumed to  
12           continue [~~or~~]; 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.

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



**Report Title:**

Evidence; Presumptions

**Description:**

Extends evidentiary presumptions regarding publications and legal opinions to those posted to government websites. Effective July 1, 2011. (HB439 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

