

HOUSE OF REPRESENTATIVES  
THE TWENTY-SIXTH LEGISLATURE  
REGULAR SESSION OF 2011

COMMITTEE ON JUDICIARY  
Rep. Gilbert S.C. Keith-Agaran, Chair  
Rep. Karl Rhoads, Vice Chair

RECEIVED

2011 FEB 18 P 4: 22

SERGEANT-AT-ARMS  
HOUSE OF  
REPRESENTATIVES

Rep. Tom Brower	Rep. Hermina M. Morita
Rep. Rida T.R. Cabanilla	Rep. Blake K. Oshiro
Rep. Mele Carroll	Rep. Joseph M. Souki
Rep. Robert N. Herkes	Rep. Clift Tsuji
Rep. Ken Ito	Rep. George R. Fontaine
Rep. Sylvia Luke	Rep. Barbara C. Marumoto
Rep. Angus L.K. McKelvey	Rep. Cynthia Thielen

AMENDED NOTICE OF HEARING

DATE: Tuesday, February 22, 2011  
TIME: 2:00 PM  
PLACE: Conference Room 325  
State Capitol  
415 South Beretania Street

A M E N D E D A G E N D A

The conference room has been corrected 302 to 325

<u>HB 141</u> <u>Status</u>	RELATING TO THE HAWAII PENAL CODE. Authorizes retroactive application of the requirement that multiple terms of imprisonment run concurrently unless directed to run consecutively by law or court order.	JUD
<u>HB 1155</u> <u>Status</u>	RELATING TO REPEAT OFFENDERS. Excludes non-violent offenders from repeat offenders statute requiring mandatory minimum prison terms.	JUD
<u>HB 56, HD1</u> <u>(HSCR475)</u> <u>Status</u>	RELATING TO CHILD VISITATION. Permits family court to award reasonable visitation to grandparents if denial of visitation would cause significant harm to the child. Establishes a rebuttable presumption that visitation decisions by a parent are in the best interests of the child. Presumption may be rebutted by a preponderance of clear and convincing evidence. Identifies factors court may consider in awarding visitation. Effective July 1, 2050. (HB56 HD1)	HUS, JUD
<u>HB 616, HD1</u> <u>(HSCR476)</u> <u>Status</u>	RELATING TO CHILD CUSTODY. Clarifies that awards of visitation rights may include visitation by electronic communication. Establishes factors that shall be considered and authorizes courts to set guidelines for visitation by electronic communication. Effective July 1, 2050. (HB616 HD1)	HUS, JUD



<u>HB 909, HD1</u> <u>(HSCR394)</u> <u>Status</u>	RELATING TO FAMILY COURT. Provides that the date of valuation of marital assets is the date of the filing of the divorce complaint. Defines duties owed by parties to a divorce. Defines various terms. Effective date July 1, 2050. (HB909 HD1)	HUS, JUD
<u>HB 1376</u> <u>Status</u>	RELATING TO EVIDENCE. Makes permanent the limited news media privilege against the compelled disclosure of sources and unpublished information.	JUD
<u>HB 194</u> <u>Status</u>	RELATING TO EVIDENCE. Makes permanent the limited news media privilege against the compelled disclosure of sources and unpublished information.	JUD
<u>HB 354</u> <u>Status</u>	RELATING TO TAX APPEALS. Prohibits discovery and limits the award of costs in controversies involving small claim tax appeals.	JUD
<u>HB 618</u> <u>Status</u>	RELATING TO OFFENSES AGAINST PUBLIC ORDER. Makes the use of another person's name or persona to create a web page on or to post one or more messages on a commercial social networking site, without the permission of the other person, and with the intent to harm, defraud, intimidate, or threaten any person, a misdemeanor. Makes the repeated commission of this offense a class C felony. Provides that harassment by impersonation, if committed with the intent to solicit a response by emergency services personnel, is a class C felony.	JUD
<u>HB 1007</u> <u>Status</u>	RELATING TO PORNOGRAPHY OFFENSES AGAINST CHILDREN. Amends the offense of promoting pornography to minors to extend the prohibition against disseminating pornographic material to minors to include disseminating pornographic material to another person who represents that person to be a minor; and adds the offense of promoting child abuse in the third degree to the information charging law.	JUD
<u>HB 1010</u> <u>Status</u>	RELATING TO THE DISCLOSURE OF VITAL STATISTICS RECORDS TO LAW Authorizes the Department of Health to provide certain public health records to law enforcement officers to facilitate criminal investigations.	JUD
<u>HB 546</u> <u>(HSCR5)</u> <u>Status</u>	RELATING TO CIVIL RIGHTS. Prohibits discrimination on the basis of gender identity and expression as a public policy matter and specifically with regard to employment.	LAB, JUD
<u>SB 1309, SD1</u> <u>(SSCR157)</u> <u>Status</u>	RELATING TO THE ESTABLISHMENT OF THE LIEUTENANT GOVERNOR SPECIAL FUND. Establishes fees for services provided by the office of the lieutenant governor. Specifies the authority of the lieutenant governor to issue apostilles. Requires the auditor to analyze the establishment of a lieutenant governor special fund. (SD1)	JUD, LMG, FIN



<u>HB 238, HD1</u> (HSCR393) <u>Status</u>	RELATING TO TEMPORARY RESTRAINING ORDERS. Adds a mandatory prison term of fifteen days and a fine of not less than \$150 nor more than \$600 for a person with certain prior convictions who is convicted for the first time for violation of a temporary restraining order. Effective July 1, 2050. (HB238 HD1)	HUS, JUD
<u>HB 44</u> <u>Status</u>	RELATING TO PROSTITUTION. Makes it a misdemeanor to offer or agree to pay a fee to engage in sexual conduct within 750 feet of a school or public park. Effective 7/1/11.	JUD
<u>HB 240</u> <u>Status</u>	RELATING TO PROMOTING PROSTITUTION. Amends section 28-101, Hawaii Revised Statutes, to give the "greatest priority" to cases involving promoting prostitution, when the attorney general is determining whether to fund or provide for witness security and protection.	JUD
<u>HB 241</u> <u>Status</u>	RELATING TO PROMOTING PROSTITUTION. Increases the grade of offense for promoting prostitution in the first, second, and third degree to a class A, B, and C felony, respectively.	JUD
<u>HB 242</u> <u>Status</u>	RELATING TO PROMOTING PROSTITUTION. Amends Act 192, Session Laws of Hawaii 2008, to make the offense of habitual solicitation of prostitution a class C felony.	JUD

#### DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing with a transmittal cover indicating:

- Testifier's name with position/title and organization;
- The Committee the comments are directed to;
- The date and time of the hearing;
- Measure number; and
- The number of copies the Committee is requesting.

While every effort will be made to copy, organize, and collate all testimony received, materials received on the day of the hearing or improperly identified or directed to the incorrect office, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 3 (three) copies (including an original) to Room 302 in the State Capitol;

FAX: For comments less than 5 pages in length, transmit to 586-6211 (for Oahu) or 1-800-535-3859 (for Neighbor Islanders without a computer to submit testimony through e-mail or the Web);

EMAIL: For comments less than 5 pages in length, transmit to [JUDtestimony@Capitol.hawaii.gov](mailto:JUDtestimony@Capitol.hawaii.gov); or

WEB: For comments less than 4MB in size, transmit from the Web page at <http://www.capitol.hawaii.gov/emailtestimony>.

Testimony submitted will be placed on the Legislative Web site after the hearing adjourns. This public posting of testimony on the Web site should be considered when including personal information in your testimony.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6210 or email your request for an interpreter to [HouseInterpreter@Capitol.hawaii.gov](mailto:HouseInterpreter@Capitol.hawaii.gov) at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.



  
Rep. Gilbert Keith-Agaran  
Chair

