
A BILL FOR AN ACT

RELATING TO THE HAWAII RULES OF 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 404, subsection (a) to read as follows:

3 "(a) Character evidence generally. Evidence of a person's
4 character or a trait of a person's character is not admissible
5 for the purpose of proving action in conformity therewith on a
6 particular occasion, except:

7 (1) Character of accused. Evidence of a pertinent trait
8 of character of an accused offered by an accused, or
9 by the prosecution to rebut the same~~[+]~~, or if
10 evidence of a trait of character of aggressiveness of
11 the victim is offered by an accused and admitted under
12 rule 404(a)(2), evidence of the same trait of
13 character of the accused offered by the prosecution;

14 (2) Character of victim. Evidence of a pertinent trait of
15 character of the victim [~~of the crime~~] offered by an
16 accused, or by the prosecution to rebut the same, or
17 evidence of a character trait of peacefulness of the
18 victim offered by the prosecution in a homicide case



1 to rebut evidence that the victim was the first
2 aggressor;

3 (3) Character of witness. Evidence of the character of a
4 witness, as provided in rules 607, 608, 609, and
5 609.1."

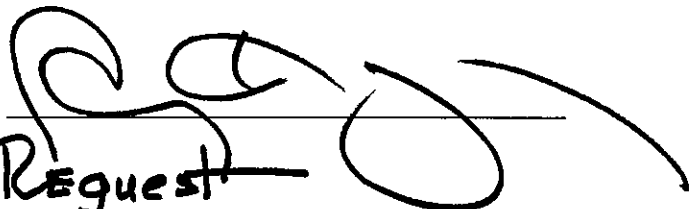
6 SECTION 2. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval.

12

INTRODUCED BY:


By Request

JAN 25 2012



Report Title:

Evidence; Character of Accused

Description:

Provides that if evidence of an alleged victim's character for aggressiveness or violence is offered by an accused and admitted under rule 404(a)(2), evidence of the same trait of character of the accused offered by the prosecution may be admissible.

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

