

JAN 25 2012

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
3 follows:

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

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

16 (2) Character of victim. Evidence of a pertinent trait of
17 character of the victim of the crime offered by an
18 accused, or by the prosecution to rebut the same, or



1 evidence of a character trait of peacefulness of the
2 victim offered by the prosecution in a homicide case
3 to rebut evidence that the victim was the first
4 aggressor;

5 (3) Character of witness. Evidence of the character of a
6 witness, as provided in rules 607, 608, 609, and
7 609.1."

8 SECTION 2. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

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S.B. NO. 2899

Report Title:

Evidence; Character of Accused

Description:

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

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