

Honolulu, Hawaii

March 23, 2012

RE: S.B. No. 2304  
S.D. 2  
H.D. 1

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2304, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO RIGHTS OF THE ACCUSED,"

begs leave to report as follows:

The purpose of this measure is to improve the accuracy and reliability of eyewitness identifications in law enforcement investigations by, among other things, requiring the establishment of new eyewitness identification procedures by each county police department and all state investigative agencies identified by the Attorney General.

The Office of Hawaiian Affairs, Office of the Public Defender, American Civil Liberties Union of Hawaii, Community Alliance on Prisons, Innocence Project, Hawai'i Innocence Project, Ka Lei Maile Alii Hawaiian Civic Club, and two concerned individuals testified in support of this measure. The Department of the Prosecuting Attorney of the City and County of Honolulu, Office of the Prosecuting Attorney of the County of Hawaii, Honolulu Police Department, and Hawaii Police Department testified in opposition to this measure. The Department of the Attorney General provided comments.



Your Committee has amended this measure by extending for a year, the date by which each county police department and all state investigative agencies identified by the attorney general are required to adopt procedures for conducting live lineups and photo lineups.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2304, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2304, S.D. 2, H.D. 1, and be referred to the Committee on Finance.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

  
\_\_\_\_\_  
GILBERT KEITH-AGARAN, Chair



State of Hawaii  
House of Representatives  
The Twenty-sixth Legislature

*Utsee 1219-12*

**Record of Votes of the Committee on Judiciary**

Bill/Resolution No.: <span style="font-size: 1.2em;"><i>SB 2304 SD2</i></span>	Committee Referral: <span style="font-size: 1.2em;"><i>JUD, FIN</i></span>	Date: <span style="font-size: 1.2em;"><i>3/20/12</i></span>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)	✓			
2. RHOADS, Karl (VC)	✓			
3. BROWER, Tom	✓			
4. CABANILLA, Rida T.R.				✓
5. CARROLL, Mele	✓			
6. COFFMAN, Denny				✓
7. HERKES, Robert N.				✓
8. ITO, Ken	✓			
9. LUKE, Sylvia	✓			
10. McKELVEY, Angus L.K.		✓		
11. SOUKI, Joseph M.	✓			
12. TSUJI, Clift	✓			
13. FONTAINE, George R.		✓		
14. MARUMOTO, Barbara C.		✓		
15. THIELEN, Cynthia		✓		
<b>TOTAL (15)</b>	<i>8</i>	<i>4</i>	<i>0</i>	<i>3</i>
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div>				
Vice Chair's or designee's signature: <span style="font-size: 1.2em;"><i>Karl Rhoads</i></span>				
Distribution:            Original (White) – Committee            Duplicate (Yellow) – Chief Clerk's Office            Duplicate (Pink) – HMSO				