

STAND. COM. REP. NO.

2665

Honolulu, Hawaii

MAR 02 2012

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

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Ways and Means, to which was referred S.B. No. 2304, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to prevent erroneous eyewitness identifications in law enforcement investigations by improving eyewitness identification procedures.

Your Committee received written comments in support of this measure from the American Civil Liberties Union of Hawaii; the Innocence Project; the Alliance on Prisons; and one individual. Your Committee received written comments in opposition to this measure from the Office of the Prosecuting Attorney, County of Hawaii; the Department of the Prosecuting Attorney, Maui County; the Department of the Prosecuting Attorney, City and County of Honolulu; the Maui County Police; and one individual.

Your Committee finds that misidentification by an eyewitness can cause irreparable harm to an innocent person. Requiring county police departments and state law enforcement agencies to adopt the procedures and training required by this measure will reduce instances of incorrect eyewitness identification, thereby increasing the reliability of eyewitness identification, and will improve the administration of criminal justice in this State.

Your Committee has amended this measure by:

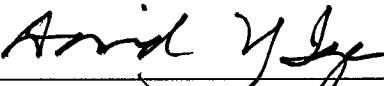
SB2304 SD2 SSCR LRB 12-1853.doc



- (1) Clarifying that, in a live lineup, participants shall be out of view of the eyewitness prior to, as well as at the beginning of, the identification procedure; and
- (2) Making technical nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

Respectfully submitted on
behalf of the members of the
Committee on Ways and Means,



DAVID Y. IGE, Chair



The Senate
Twenty-Sixth Legislature
State of Hawai'i

Record of Votes
Committee on Ways and Means
WAM

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2304, SD 1	JDL, WAM	2/28/12		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
IGE, David Y. (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
ENGLISH, J. Kalani	✓			
ESPERO, Will	✓			
FUKUNAGA, Carol	✓			
KIM, Donna Mercado	✓			
KAHELE, Gilbert	✓			
KOUCHI, Ronald D.				✓
RYAN, Pohai	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	13	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<i>Michelle N. Kidani</i>				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes