

Honolulu, Hawaii

FEB 13 2013

RE: S.B. No. 67

S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committees on Public Safety, Intergovernmental and Military Affairs and Technology and the Arts, to which was referred S.B. No. 67 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROCEDURE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Create procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations; and
- (2) Grant a defendant the right to challenge any eyewitness identification to be used at trial in a pretrial evidentiary hearing.

Your Committees received testimony in support of this measure from the Community Alliance on Prisons, American Civil Liberties Union of Hawaii, Hawaii Women's Coalition, and one individual. Your Committees received testimony in opposition to this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Department of the Prosecuting Attorney, County of Maui; Office of the Prosecuting Attorney, County of Kauai; the Criminal Investigation Division, Honolulu Police Department, City and County of Honolulu; and the Police Department, County of Hawaii.



Your Committees find that mistaken eyewitness identification has been shown to have contributed to the wrongful conviction in approximately seventy-five percent of the nation's two hundred eighty-nine exonerations. Over the past thirty years, a large body of peer-reviewed, scientific research and practice has emerged showing that simple systemic changes in administering eyewitness identification procedures can greatly improve the accuracy of eyewitness identifications. Your Committees further find that more accurate eyewitness identifications increase the ability of police and prosecutors to convict the guilty and protect the innocent. The people of Hawaii will benefit from the improvement of the accuracy of eyewitness identifications.

Your Committees have amended this measure by:


- (1) Inserting an effective date of January 1, 2020, to encourage further discussion; and
- (2) Making a technical, nonsubstantive amendment for the purpose of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Public Safety, Intergovernmental and Military Affairs and Technology and the Arts that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 67, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 67, S.D. 1, and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on behalf of the members of the Committees on Public Safety, Intergovernmental and Military Affairs and Technology and the Arts,



GLENN WAKAI, Chair



WILL ESPERO, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Technology and the Arts
TEC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB67	PSM/TEC, JDL	2/7/13		
<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
WAKAI, Glenn (C)	/			
NISHIHARA, Clarence K. (VC)	/			
GABBARD, Mike				/
TOKUDA, Jill N.	/			
SLOM, Sam				/
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; font-family: cursive; font-size: 1.2em;">Clarence K. Nishihara</div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes