

HOUSE OF REPRESENTATIVES
THE TWENTY-SEVENTH LEGISLATURE
REGULAR SESSION OF 2014

COMMITTEE ON JUDICIARY

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AMENDED NOTICE OF HEARING

DATE: Tuesday, February 25, 2014
TIME: 2:00 p.m.
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

A M E N D E D A G E N D A

The following measure(s) has been **ADDED** to the agenda: **HB 2298, HD1, HB 2302, HD1, HB 2333, HD1, HB 2350, HB 2482, HD1, HB 2574, HB 2666, HB 2654.**

DECISION MAKING

The following measure(s) were previously heard on **February 18, 2014 at 2:00 p.m.:**

HB 1300 Status	RELATING TO A FIDUCIARY'S STANDARD OF CARE AND PERFORMANCE. Accommodates the formation of directed trusts by specifying standards of care and performance for fiduciary actions subject to an advisor's authority under the terms of the trust.	JUD
HB 1509, HD1 (HSCR80-14) Status	RELATING TO HIGHWAY SAFETY. Specifies that operating a motor vehicle in the State while using a mobile device is a traffic infraction. Specifies that the penalty for such an infraction shall be a fine of not less than \$250 and that collected fines shall be deposited in the state highway fund. (HB1509 HD1)	TRN, JUD
HB 1641 Status	RELATING TO GOVERNMENTAL ACCESS TO STORED COMMUNICATIONS. Requires law enforcement to obtain: (1) a search warrant to compel production of the contents of electronic communications; and (2) a court order to compel production of historical transactional records.	JUD

The following measure(s) were previously heard on **February 21, 2014 at 2:00 p.m.:**



<u>HB 2298, HD1</u> <u>(HSCR325-14)</u> <u>Status</u>	<p>RELATING TO NOTICE TO CHILDREN PURSUANT TO THE CHILD PROTECTIVE ACT. Provides that a summons under the Child Protective Act shall be served upon all parties, except the child, after petition has been filed. Requires the petitioner to notify the child of a hearing no less than 24 hours prior to a temporary foster custody hearing or no less than 48 hours prior to any other hearing. (HB2298 HD1)</p>	<p>HUS, JUD</p>
<u>HB 2302, HD1</u> <u>(HSCR331-14)</u> <u>Status</u>	<p>RELATING TO BEHAVIORAL SUPPORT REVIEW OF RESTRAINTS AND SECLUSION. Establishes a behavioral support review process to assess the use of restraints and seclusion for individuals with developmental or intellectual disabilities. Provides disclosure, use, review, and immunity from liability provisions with respect to behavioral support review of persons with developmental or intellectual disabilities. Effective July 1, 2050. (HB2302 HD1)</p>	<p>HLT, JUD</p>
<u>HB 2333, HD1</u> <u>(HSCR286-14)</u> <u>Status</u>	<p>RELATING TO THE STATEWIDE INTEGRATED SEX OFFENDER TREATMENT PROGRAM. Requires the Statewide Integrated Sex Offender Treatment Program to include nationally recognized best practices for the treatment of sex offenders, identifies the Program's coordinating body as the "Sex Offender Management Team", and exempts the Program from the meeting requirements of the State's public agency meetings and records law. (HB2333 HD1)</p>	<p>PBS, JUD</p>
<u>HB 2350</u> <u>(HSCR292-14)</u> <u>Status</u>	<p>RELATING TO HIGHWAY SAFETY. Amends the law relating to the storage of opened container that contains intoxicating liquor or the consumption at the scenic lookout. Clarifies where intoxicating liquor may be kept in a motor vehicle. Further clarifies who and where an opened container may be possessed in a recreational vehicle, house coach or house trailer.</p>	<p>TRN, JUD</p>
<u>HB 2482, HD1</u> <u>(HSCR259-14)</u> <u>Status</u>	<p>RELATING TO CONDOMINIUMS. Makes technical nonsubstantive amendments to the condominium law. Effective July 1, 2112. (HB2482 HD1)</p>	<p>CPC, JUD</p>
<u>HB 2574</u> <u>Status</u>	<p>RELATING TO EVIDENCE. Amends the Hawaii Rules of Evidence to authorize nonresident property crime victims to testify in criminal proceedings by a live two-way video connection.</p>	<p>JUD</p>
<u>HB 2666</u> <u>Status</u>	<p>RELATING TO PERSONAL INFORMATION. Makes permanent amendments allowing a business to scan an individual's driver's license or Hawaii identification card to verify age when providing age-restricted goods or services if the business has a reasonable doubt of the individual having reached the minimum age required for purchasing the age-restricted goods or services.</p>	<p>JUD</p>



HEARING

HB 2183 (HSCR312-14) Status	RELATING TO THE PENAL CODE. Prohibits any person, firm, partnership, or corporation from importing, selling, offering to sell, or possessing with intent to sell any ivory product. Establishes a first violation as a misdemeanor and a second violation as a class C felony.	EDB, JUD
HB 1858 Status	RELATING TO THE PENAL CODE. Provides that a person who intentionally or knowingly causes bodily injury to a liquor commission investigator engaged in the performance of duty commits the offense of assault in the second degree.	JUD
HB 1812 Status	RELATING TO LAW ENFORCEMENT. Requires the chief of each county police department to submit an annual report to the legislature of misconduct incidents that resulted in suspension or discharge of a police officer from the calendar year immediately prior to the year of the report submission. Requires the county police departments to provide updated information in each successive annual report until the highest non-judicial grievance adjustment procedure has concluded. Requires the county police departments to retain the disciplinary records in accordance with its record retention policy or for at least six months, whichever period is longer.	JUD
HB 1579 (HSCR194-14) Status	RELATING TO JUDGMENT LIENS. Clarifies that money judgments are considered valid liens against all real property, including registered property, when recorded in the bureau of conveyances.	WAL, JUD
HB 1656 Status	RELATING TO SERVICE OF PROCESS. Specifies the manner of serving summons within the State for a civil action.	JUD
HB 2116, HD1 (HSCR530-14) Status	RELATING TO SENTENCING FOR JUVENILE OFFENDERS. Establishes new factors to be considered in sentencing those convicted of an offense committed while under the age of 18, and a sentencing modification process for the same. Eliminates sentences of life without parole for juvenile offenders. Requires the Hawaii Paroling Authority to establish guidelines for minimum term served before parole eligibility. Effective July 1, 2050. (HB2116 HD1)	HUS, JUD
HB 1504, HD1 (HSCR453-14) Status	RELATING TO CHILD SUPPORT. Provides that child support orders are presumed to apply on a per child basis. Automatically terminates child support payments for a child when the obligee is no longer eligible to receive child support payments. Effective July 1, 2050. (HB1504 HD1)	HUS, JUD
HB 2163, HD1 (HSCR452-14) Status	RELATING TO PARENTAL PARITY. Requires the court to consider frequent, continuing, and meaningful contact with each parent when awarding custody of a minor child, unless the court finds that one or both parents are unable to act in the best interests of the child. Effective July 1, 2050. (HB2163 HD1)	HUS, JUD



HB 2577, HD1 (HSCR244-14) Status	<p>RELATING TO PUBLIC HOUSING.</p> <p>Requires inclusion of a prohibition on smoking anywhere in a public housing project except designated smoking areas as a condition of any agreement for the occupancy or use of premises within a public housing project. (HB2577 HD1)</p>	<p>HSG, JUD</p>
HB 2262, HD1 (HSCR479-14) Status	<p>RELATING TO REPORTING DEATHS TO STATE AGENCIES.</p> <p>Authorizes the Department of Health to disclose, including through electronic means, lists of names of persons whose deaths have been recorded by DOH, to state agencies that maintain official lists of persons and are prohibited by federal law from sharing information from the lists. Sunsets on July 1, 2016. (HB2262 HD1)</p>	<p>HLT, JUD</p>
HB 2052, HD1 (HSCR489-14) Status	<p>RELATING TO PROVIDER ORDERS FOR LIFE-SUSTAINING TREATMENT.</p> <p>Increases access to Provider Orders for Life-Sustaining Treatment (POLST) by updating references from "physician orders for life-sustaining treatment" to "provider orders for life-sustaining treatment" throughout chapter 327K, HRS; expanding health care provider signatory authority to include advanced practice registered nurses; and correcting inconsistencies over terms used to describe who may sign a POLST form on behalf of a patient. Requires the Department of Health to develop and adopt a sample POLST form. Effective July 1, 2112. (HB2052 HD1)</p>	<p>HLT, CPC, JUD</p>
HB 2332, HD1 (HSCR490-14) Status	<p>RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT.</p> <p>Updates the Uniform Controlled Substances Act to make it consistent with amendments to federal law on controlled substances by adding newly federally scheduled drugs to the lists for schedules I, III, and IV. (HB2332 HD1)</p>	<p>CPC, JUD</p>
HB 2621, HD1 (HSCR267-14) Status	<p>RELATING TO GOVERNMENT ACCOUNTABILITY.</p> <p>Expands the Procurement Policy Board's mandate to adopt rules regarding lost, stolen, damaged, unserviceable, or unsuitable property to include time limits for issue reporting and a duty for government agencies and contractors to cooperate in the investigation of raised issues. Effective July 1, 2112. (HB2621 HD1)</p>	<p>CPC, JUD</p>
HB 2244, HD1 (HSCR487-14) Status	<p>RELATING TO CHARITABLE SOLICITATION.</p> <p>Requires certain disclosures on collection bins for donated clothing and household items by for-profit and nonprofit organizations; clarifies registration requirement for Hawaii domiciled charitable organizations and by nonprofits covered by an IRS Group Exemption Ruling; authorizes the Attorney General to require electronic financial reporting by professional solicitors; imposes a late fee for late financial reports by professional solicitors; clarifies that commercial co-venturers must provide a final accounting within ninety days; clarifies exemptions from registration requirements; and makes other technical and housekeeping amendments to chapter 467B, Hawaii Revised Statutes. Effective July 1, 2112. (HB2244 HD1)</p>	<p>CPC, JUD</p>



HB 2245 (HSCR385-14) Status	RELATING TO THE PROTECTION OF CHARITABLE ASSETS. Enacts section 3 of the Model Protection of Charitable Assets Act that provides that the Attorney General has charitable oversight over charitable assets regardless of the form in which they are held; authorizes the Attorney General to enforce the application of the charitable asset and prevent or remedy breaches of fiduciary or other duty or the diversion or waste of a charitable assets.	CPC, JUD
HB 2513 (HSCR258-14) Status	RELATING TO MORTGAGE FORECLOSURES. Requires that an affirmation be filed with the court at the time a mortgage foreclosure action is commenced.	CPC, JUD
HB 2654 Status	RELATING TO VICTIM RESTITUTION. Clarifies the director of public safety's authority to deduct 25% of all moneys earned, new deposits, and credits to an inmate's individual account for restitution.	JUD

DECISION MAKING TO FOLLOW

Persons wishing to offer comments should submit testimony at least 24 hours prior to the hearing. Testimony should indicate:

- Testifier's name with position/title and organization;
- The Committee(s) to which the comments are directed;
- The date and time of the hearing; and
- Measure number.

While every effort will be made to incorporate all testimony received, materials received on the day of the hearing or improperly identified or directed, may be distributed to the Committee after the hearing.

Submit testimony in ONE of the following ways:

PAPER: 3 copies (including an original) to Room 438 in the State Capitol;

FAX: For testimony less than 5 pages in length, transmit to 808-586-8504 (Oahu) or 1-800-535-3859 (for Neighbor Islander without a computer to submit testimony through e-mail or the Web); or

WEB: For testimony less than 10MB in size, transmit from <http://www.capitol.hawaii.gov/submittestimony.aspx>.

Testimony submitted will be placed on the legislative website. This public posting of testimony on the website should be considered when including personal information in your testimony. **Those wishing to provide oral testimony will be limited to two minutes.**

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-6437 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

Selected meetings are broadcast live. Check the current legislative broadcast schedule on the "Capitol TV" website at www.capitoltv.org or call 536-2100.

Rep. Karl Rhoads
Chair

