

STAND. COM. REP. NO.

609

Honolulu, Hawaii

March 5, 2015

RE: H.B. No. 147  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2015  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 147 entitled:

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

begs leave to report as follows:

The purpose of this measure is to improve eyewitness identifications in criminal investigations by specifying procedural and administrative requirements for law enforcement agencies and providing the defendant the right to challenge the identification.

The Office of the Public Defender, American Civil Liberties Union of Hawaii, Hawaii Innocence Project, Eyewitness Identification Reform Litigation Network, Community Alliance on Prisons, and a concerned individual testified in support of the measure. The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Hawaii Police Department, and Office of the Prosecuting Attorney of the County of Kauai testified in opposition. The Judiciary provided comments and proposed amendments.

Your Committee has amended this measure to:

- (1) Clarify the requirement for consistent appearance with respect to unique or unusual features for participants in the photo or live lineup;

HB147 HD1 HSCR JUD HMS 2015-2158



- (2) Ensure that any identification actions, e.g., speaking or moving, are performed by all lineup participants in a live lineup;
- (3) Delete the provision for instructions to the jury regarding eyewitness identifications because it duplicates the Hawaii Supreme Court's requirements; and
- (4) Make technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 147, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 147, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



