

STAND. COM. REP. NO. 606

Honolulu, Hawaii

March 5, 2015

RE: H.B. No. 295

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. 295 entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to establish a privilege that protects from disclosure as evidence:

- (1) The identity of the source of information of a journalist or newscaster; or
- (2) Information that could lead to the discovery of the source.

The American Civil Liberties Union of Hawaii, Common Cause Hawaii, Hawaii Publishers Association, Media Council Hawaii, Pacific Basin Communications, Hawaii Chapter of the Society of Professional Journalists, and a concerned individual testified in support of this measure. A concerned individual testified in opposition. The Department of the Attorney General submitted comments and proposed amendments to this measure.

Your Committee has amended this measure to:

- (1) Delete the unrestricted protection from disclosure of all unpublished information held by the journalist or newscaster;

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- (2) Protect from disclosure information that independently, cumulatively, or in combination with other information could be reasonably expected to reveal the identity of the source;
- (3) Specify that the source cannot assert this privilege;
- (4) Clarify that this privilege does not exclude or preclude the exercise of other legally recognized privileges;
- (5) Specify that the person waives this privilege if they reveal the source outside of any legally recognized privilege;
- (6) Specify that a person has no legal duty to the source to claim or exercise this privilege; and
- (7) 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. 295, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 295, H.D. 1, and be placed on the calendar for Third Reading.

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



KARL RHOADS, Chair



