

Honolulu, Hawaii

FEB 16 2017

RE: S.B. No. 490
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 490 entitled:

"A BILL FOR AN ACT RELATING TO MATERIAL WITNESS ORDERS,"

begs leave to report as follows:

The purpose and intent of this measure is to allow the
circuit court or family court to issue a material witness order in
cases initiated through felony complaint in addition to indictment
or written information.

Your Committee received testimony in support of this measure
from the Department of the Prosecuting Attorney, City and County
of Honolulu.

Your Committee finds that a material witness order is a court
order that compels a person to appear as a material witness in a
pending criminal action to which bail is affixed to secure that
person's attendance in court. Existing law relating to material
witness orders applies to an indictment or written information
filed in circuit court. Although all felony cases may be issued
via felony complaint or indictment, only certain felony cases may
be initiated via written information. Furthermore, felony
complaints may be filed in family court depending on the court's
original jurisdiction. This measure ensures that the circuit and
family courts have the tools necessary to order a material
witness, when appropriate, regardless of whether the case is
initiated through an indictment, written information, or felony
complaint.



Your Committee has amended this measure by:

- (1) Inserting an effective date of January 7, 2059, to encourage further discussion; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 490, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 490, S.D. 1, and be referred to your Committee on Ways and Means.


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


GILBERT S.C. KEITH-AGARAN, Chair



The Senate
 Twenty-Ninth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 490	Committee Referral: JDL, WAM	Date: 2/10/17		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes