

Honolulu, Hawaii

FEB 13 2017

RE: S.B. No. 674

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

Sir:

Your Committee on Public Safety, Intergovernmental, and  
Military Affairs, to which was referred S.B. No. 674 entitled:

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

begs 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;
- (2) Establish jury instructions when the court determines that the eyewitness identification is admissible; and
- (3) Require the Attorney General to establish procedures for the implementation of uniform statewide eyewitness identification procedures.

Your Committee received testimony in support of this measure from Hawai'i Innocence Project, Community Alliance on Prisons, and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received comments on this measure from the United States Department of Justice Office of the Deputy Attorney General, Hawaii Supreme Court Standing Committee on the Hawai'i Rules of Evidence, and Department of the Attorney General.



Your Committee finds that the use of proper eyewitness identification procedures by law enforcement is critical to protecting individual rights and personal liberty. While law enforcement in the State has its own procedures for eyewitness identifications, there are no uniform standards that ensure that law enforcement is engaging in the best practices that will offer the greatest protections for individuals.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 674 and recommends that it pass Second Reading and be referred to your Committees on Judiciary and Labor and Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



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CLARENCE K. NISHIHARA, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Public Safety, Intergovernmental, and Military Affairs**  
**PSM**

Bill / Resolution No.:* <b>SB 674</b>	Committee Referral: <b>PSM, JDL/WAM</b>	Date: <b>2/2/17</b>
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The Committee is reconsidering its previous decision on this measure.  
 If so, then the previous decision was to: \_\_\_\_\_

The Recommendation is:


Pass, unamended  Pass, with amendments  Hold  Recommit

2312 2311 2310 2313

Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.	✓			
IHARA, Jr., Les	✓			
THIELEN, Laura H.	✓			

**TOTAL**                      5                      0                      0                      0

Recommendation:                       Adopted                       Not Adopted

Chair's or Designee's Signature: 

**Distribution:**                      Original                      Yellow                      Pink                      Goldenrod

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*\*Only one measure per Record of Votes*