

Honolulu, Hawaii

**APR 26 2018**

RE: S.B. No. 2174  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2018  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 2174, S.D. 1, H.D. 1, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Authorize specified courts to issue material witness orders in cases initiated through felony complaint; and
- (2) Include the family courts in the authorization to issue material witness orders.

Your Committee on Conference finds that a felony criminal case can be initiated through felony complaint, indictment, or information. In some cases, it is advantageous to the prosecution to initiate the case through felony information because a



preliminary hearing will follow the complaint. A preliminary hearing allows the State to have sworn testimony from witnesses that may, in certain circumstances, be used at trial if a witness suddenly becomes unavailable prior to trial. Preliminary hearings also give defendants the opportunity to confront witnesses against them and defendants' attorneys the opportunity to cross-examine witnesses. Although courts are authorized to issue material witness orders in cases initiated through indictment or information, courts cannot issue material witness orders in cases initiated through felony complaint. Authorizing courts to issue material witness orders in cases initiated through felony complaint would allow the prosecution and defense in such cases to more effectively assist the court in reaching just and well-supported decisions.

Your Committee on Conference has amended this measure by changing the effective date to July 1, 2018.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 2174, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 2174, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



SCOTT Y. NISHIMOTO  
Chair



BRIAN T. TANIGUCHI  
Chair



Record of Votes of a  
Conference Committee

Bill / Concurrent Resolution No.: <b>SB 2174, SD 1, HD 1</b>	Date/Time: <b>4/25/2018 2:09 PM</b>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

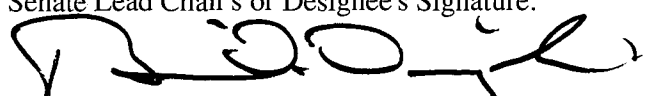

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
TANIGUCHI, Brian T., Chr.	✓				NISHIMOTO, Scott Y., Chr.	✓			
RHOADS, Karl	✓				SAN BUENAVENTURA, Joy A.				✓
THIELEN, Laura H.	✓				THIELEN, Cynthia	✓			
<b>TOTAL</b>	<b>3</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>TOTAL</b>	<b>2</b>	<b>0</b>	<b>0</b>	<b>1</b>

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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