

STAND. COM. REP. NO.

955

Honolulu, Hawaii

FEB 28 , 2019

RE: H.B. No. 711  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirtieth State Legislature  
Regular Session of 2019  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 711 entitled:

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

begs leave to report as follows:

The purpose of this measure is to amend the affirmative defense of extreme mental or emotional disturbance to murder or attempted murder by:

- (1) Prohibiting explanations based solely on the defendant's discovery, knowledge, or disclosure of the victim's gender, gender identity or expression, or sexual orientation; and
- (2) Requiring the court to instruct the jury to disregard bias and prejudice regarding the victim's actual or perceived gender, gender identity or expression, or sexual orientation if a defendant's explanation includes the discovery of a victim's gender, gender identity or expression, or sexual orientation.

The Hawai'i Civil Rights Commission; Hawai'i State Commission on the Status of Women; Honolulu Police Department; LGBT Caucus of the Democratic Party of Hawai'i; Planned Parenthood Votes Northwest and Hawaii; We Are One, Inc.; Aloha State Association of the Deaf;

HB711 HD1 HSCR JUD HMS 2019-1862



Hawaii Health and Harm Reduction Center; O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and several individuals testified in support of this measure. The Office of the Public Defender testified in opposition.

Your Committee has amended this measure by:

- (1) Changing its effective date to January 28, 2081; and
- (2) Making 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. 711, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 711, 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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CHRIS LEE, Chair



