

Honolulu, Hawaii

FEB 13 2019

RE: S.B. No. 120
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 120 entitled:

"A BILL FOR AN ACT RELATING TO SPEEDY TRIAL,"

begs leave to report as follows:

The purpose and intent of this measure is to create a statutory right of victims and witnesses of sexual offenses to a speedy trial in criminal cases involving adult defendants that is subordinate only to the defendant's right to a speedy trial.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that victims and witnesses of sexual offenses are especially vulnerable, and that repeated postponement of trial in such cases causes further harm by delaying the justice owed to crime victims. This measure minimizes the risk of unnecessary postponements and delays by establishing a right to a speedy trial for victims and witnesses of sexual offenses. However, your Committee further finds that the due process rights of defendants in criminal cases are central to the integrity of the criminal justice system. Your Committee additionally finds



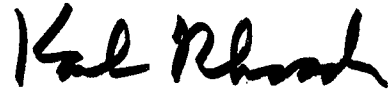
that the due process rights of defendants in criminal cases are constitutionally established. This measure attempts to balance defendants' constitutional rights and the need for victims of sexual offenses to receive a speedy resolution of their case.

Your Committee has amended this measure by:

- (1) Clarifying that the right of victims and witnesses to a speedy trial is subordinate only to the defendant's state and federal constitutional rights; 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 120, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 120, 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,

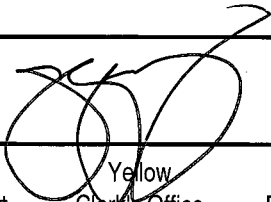


KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 120	Committee Referral: JDC, WAM	Date: 2/7/19		
<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
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
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