

STAND. COM. REP. NO. 778

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 325
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. 325 entitled:

"A BILL FOR AN ACT RELATING TO PARENTAGE,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that evidence demonstrating an alleged parent's non-consent to an artificial insemination procedure that resulted in the birth of a child may be introduced as evidence relating to paternity.

Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that the Hawaii Supreme Court's recent majority opinion in *LC v. MG and Child Support Enforcement Agency*, 143 Hawai'i 302 (2018), held in part that the Hawaii Uniform Parentage Act precludes a spouse from rebutting the marital presumption of parentage with evidence that demonstrates a clear and convincing lack of consent to the other spouse's artificial insemination procedure. Your Committee further finds that this holding was based on speculation regarding the Legislature's intent when it adopted the Uniform Parentage Act in 1973. This measure will clarify the issue of evidence of consent to artificial insemination within the Hawaii Uniform Parentage Act.



Your Committee has amended this measure by clarifying that evidence relating to consent to an artificial insemination procedure that resulted in the birth of a child may be introduced as evidence relating to paternity.

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. 325, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 325, S.D. 1, and be placed on the calendar for Third Reading.

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.:* <i>SB 325</i>	Committee Referral: <i>JDC</i>	Date: <i>2/21/19</i>		
<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 <input checked="" type="checkbox"/> Pass, with amendments <input type="checkbox"/> Hold <input type="checkbox"/> Recommit 2312 2311 2310 2313				
Members	Aye /	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado				✓
FEVELLA, Kurt				✓
TOTAL	<i>3</i>	<i>∅</i>	<i>∅</i>	<i>2</i>
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

Revised: 12/03/18