

HOUSE OF REPRESENTATIVES
THE THIRTIETH LEGISLATURE
REGULAR SESSION OF 2019

COMMITTEE ON JUDICIARY

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SERGEANT-AT-ARMS
HOUSE OF
REPRESENTATIVES

NOTICE OF DECISION MAKING

DATE: Friday, February 8, 2019
TIME: 2:00pm
PLACE: Conference Room 325
State Capitol
415 South Beretania Street

A M E N D E D A G E N D A

The following measure(s) has been **ADDED** to the agenda: **HB1040, HB1395, HB290, HB337, HB982, HB1076, HB356, HB1265, HB1452, HB1433, HB767, HB512, HB513, HB1261, HB353, HB159**

The following measure(s) were previously heard on **January 31, 2019 at 2:00pm.**

<u>HB 1217</u> <u>Status</u>	RELATING TO VOTER REGISTRATION. Makes completion of a voter registration application affidavit a mandatory part of all driver's license and identification card applications. Automatically registers each applicant for voting. Requires sharing of information among the counties, Department of Transportation, and election personnel.	JUD
<u>HB 1544</u> <u>Status</u>	RELATING TO VOTER REGISTRATION. Beginning on 1/1/2020, requires that any person who is eligible to vote and submits a state tax return or application for public assistance shall be automatically registered to vote if that person is not already registered to vote; provided that, upon receipt of notification from the respective county clerk, the applicant shall have 21 calendar days to opt out of automatic voter registration. Appropriates funds.	JUD, FIN
<u>HB 1485</u> <u>Status</u>	RELATING TO VOTER REGISTRATION. Beginning on 1/1/2020, provides that any public high school student who is at least sixteen years old but not yet eighteen years old, is otherwise eligible to vote, and submits a voter affidavit shall be automatically preregistered to vote if that person is not already preregistered to vote; provided that upon receipt of notification from the respective county clerk the applicant shall have until their eighteenth birthday to opt out of automatic voter registration. Appropriates funds.	JUD, FIN



<u>HB 1248</u> <u>Status</u>	RELATING TO ELECTIONS. Enacts voting by mail uniformly across all counties for all elections commencing in 2022. Establishes a limited number of voter service centers that would remain open from the tenth business day preceding an election through the day of the election to receive personal delivery of mail-in ballots, accommodate voters with special needs, offer same day registration and voting, and provide other election services. Allows for additional places of deposit for personal delivery of mail-in ballots. Appropriates funds for the implementation and administration of the election by mail program. Requires the office of elections to submit a report to the legislature prior to the convening of each regular session from 2020 through 2025, regarding the implementation of a vote by mail system.	JUD, FIN
<u>HB 368</u> <u>Status</u>	RELATING TO VOTING. Requires the office of the lieutenant governor to establish a system to track the mailing and receipt of ballots returned by mail. Requires the county clerks to notify the office of the lieutenant governor immediately upon mailing and receipt of absentee ballots by mail. Appropriates funds to the counties.	JUD, FIN
<u>HB 163</u> <u>Status</u>	RELATING TO REPORTS OF CANDIDATE COMMITTEES. Adds a campaign spending report filing deadline of 10/1 during a general election year for candidates and candidate committees.	JUD
<u>HB 367</u> <u>Status</u>	RELATED TO ELECTIONS. Excludes from the definition of "advertisement" communications on clothing and other attire associated with a candidate's candidate committee. Removes clothing, other attire, yard signs, and sundry items and advertisements made by a candidate or candidate's candidate committee from electioneering communication reporting requirements.	JUD
<u>HB 361</u> <u>Status</u>	RELATING TO EMOLUMENTS. Prohibits any Governor or county mayor, while holding those offices, to maintain any other employment or receive any emolument, beginning on the sixty-first calendar day after their election or appointment to office.	JUD

The following measure(s) were previously heard on **February 01, 2019 at 2:00pm.**

<u>HB 1061</u> <u>Status</u>	RELATING TO CRIMINAL PROCEDURE. Creates procedural and administrative requirements for law enforcement agencies for eyewitness identifications of suspects in criminal investigations. Grants a defendant the right to challenge any eyewitness identification to be used at trial in a pretrial evidentiary hearing. Effective January 1, 2020.	JUD, FIN
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<u>HB 903</u> <u>Status</u>	RELATING TO THE JUDICIARY. Requires the Judiciary to implement a program that offers any qualifying person the option to fulfill any court-ordered financial obligation through: (1) installment payments in a payment plan; or (2) the performance of community service. Prohibits the courts from taking certain actions against a person solely because of that person's inability to pay if the person has entered into and is in compliance with the programs. Reinstates driver's licenses that were suspended for nonpayment under certain circumstances.	JUD, FIN
<u>HB 627</u> <u>Status</u>	RELATING TO CAMPAIGN FINANCE. Establishes that a photograph of a person used in campaign shall be reported as an in-kind contribution to the respective candidate or noncandidate committee. Imposes a fine on a committee that uses a photograph in a campaign without the photographed person's authorization. Classifies any independent expenditure as a contribution to a candidate or as a contribution to each opposing candidate. Requires any advertisement by a noncandidate committee that makes only independent expenditures to disclose all contributors for the advertisement.	JUD, FIN
<u>HB 1280</u> <u>Status</u>	PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION, ARTICLE II, SECTION 1, TO EXPAND THE RIGHT TO VOTE. Lowers the right to vote in state and local elections to those who are sixteen years of age or older per the Hawaii Constitution.	JUD, FIN
<u>HB 164</u> <u>Status</u>	RELATING TO ELECTIONEERING COMMUNICATIONS. Amends the definition of "disclosure date" in section 11-341(d), HRS, to mean the date when the electioneering communication is publicly distributed. Expands the definition of "electioneering communication" in section 11-341(d), HRS, to apply to advertisements sent by any mail rate and those that are expenditures of an organization. Repeals section 11-341(e), HRS.	JUD
<u>HB 680</u> <u>Status</u>	RELATING TO INTERNAL REVENUE CODE SECTION 501(C)(4) ORGANIZATIONS. Requires an organization that is exempt from federal taxation under IRC section 501(c)(4) to submit semi-annual reports to the campaign spending commission if the organization expends funds to make communications that advocate for or against elected officials or their positions on government actions.	JUD, FIN

The following measure(s) were previously heard on **February 04, 2019 at 2:05pm.**

<u>HB 1383</u> <u>Status</u>	RELATING TO MARIJUANA. Decriminalizes certain offenses relating to marijuana and establishes a schedule of monetary fines for violations. Changes statutory references from "marijuana" to "cannabis." Provides for the dismissal of charges and expungement of criminal records based solely on cannabis offenses. Establishes the cannabis evaluation working group. Requires a report to the Legislature.	JUD
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<u>HB 1040</u> <u>Status</u>	RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Updates chapter 329-22, Hawaii Revised Statutes, by adding subsection (e) to make it consistent with amendments in federal controlled substances law as required under section 329-11.	JUD, FIN
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The following measure(s) were previously heard on **February 05, 2019 at 2:05pm.**

<u>HB 948</u> <u>Status</u>	RELATING TO COVERED OFFENDER REGISTRATION. Requires registration of defendants who have had covered offenses dismissed due to mental or physical disease, disorder, or defect or have been involuntarily hospitalized in lieu of prosecution; clarifies and that criminal justice agencies may access registration information.	JUD, FIN
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<u>HB 1246</u> <u>Status</u>	RELATING TO TRESPASS. Specifies that for purposes of making a complaint for criminal trespass in the second degree on commercial premises, evidence of a prior "reasonable warning or request" to leave the premises may be evidenced by a copy of the previously issued written warning or request, whether or not the copy is posted at the premises or retained by the county police department.	JUD
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<u>HB 951</u> <u>Status</u>	RELATING TO MANSLAUGHTER. Amends section 707-702(1), Hawaii Revised Statutes, to authorize manslaughter prosecutions for dangerous drug distribution that results in overdose deaths.	JUD
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<u>HB 369</u> <u>Status</u>	RELATING TO COURT PROCEEDINGS. Provides that the legislature shall have standing to intervene in any court proceeding involving a claim based upon a constitutional or statutory provision.	JUD
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<u>HB 1382</u> <u>Status</u>	RELATING TO CAMPAIGN FINANCE. Defines "contract with the State". Eliminates campaign fundraising on the property of persons that have accepted legislatively appropriated funds, or received or rendered services to the State, with an aggregate value of \$100,000.	JUD, FIN
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<u>HB 1251</u> <u>Status</u>	RELATING TO CORPORATIONS. Requires domestic and foreign corporations to provide their shareholders with reports of independent expenditures and political contributions.	JUD
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<u>HB 438</u> <u>Status</u>	RELATING TO ARRANGEMENT OF CANDIDATE NAMES ON BALLOTS. Requires candidate names to be randomized on individual ballots and randomly rotated across precincts.	JUD, FIN
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The following measure(s) were previously heard on **February 06, 2019 at 2:05pm.**

<u>HB 510</u> <u>Status</u>	RELATING TO THE JUDICIARY. Appropriates funds for the Judiciary for the fiscal biennium beginning 7/1/19, and ending 6/30/21. Effective 7/1/19.	JUD, FIN
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The following measure(s) were previously heard on **February 06, 2019 at 2:10pm.**

<u>HB 1278</u> <u>Status</u>	RELATING TO GOVERNMENT SERVICES RELATING TO THE LAW. Appropriates funds for the fiscal biennium 2019-2021 operating budget of programs of various agencies under the purview of the House of Representatives Standing Committee on Judiciary.	JUD, FIN
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<u>HB 1352</u> <u>Status</u>	RELATING TO THE DEPARTMENT OF THE ATTORNEY GENERAL OPERATING BUDGET. Department of the Attorney General Operating Budget.	JUD, FIN
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<u>HB 1351</u> <u>Status</u>	RELATING TO THE DEPARTMENT OF PUBLIC SAFETY OPERATING BUDGET. Relates to the Department of Public Safety budget.	JUD, FIN
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The following measure(s) were previously heard on **February 06, 2019 at 2:15pm.**

<u>HB 1279</u> <u>Status</u>	RELATING TO THE OVERSIGHT OF ELECTION ACTIVITIES. Appropriates funds for the fiscal biennium 2019-2021 operating budget of the Campaign Spending Commission and Office of Elections under the purview of the House of Representatives Standing Committee on Judiciary.	JUD, FIN
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<u>HB 1350</u> <u>Status</u>	RELATING TO THE CAMPAIGN SPENDING COMMISSION OPERATING BUDGET. Relates to the Campaign Spending Commission Budget.	JUD, FIN
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<u>HB 1356</u> <u>Status</u>	RELATING TO THE OFFICE OF ELECTIONS OPERATING BUDGET. Appropriates funds to the Office of Elections operating budget for the 2020 election voting contract, 2021 reapportionment, and 4 temporary positions.	JUD, FIN
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The following measure(s) were previously heard on **February 06, 2019 at 2:20pm.**

<u>HB 505</u> <u>Status</u>	MAKING AN APPROPRIATION TO THE DEPARTMENT OF THE PROSECUTING ATTORNEY OF THE CITY AND COUNTY OF HONOLULU. Appropriates funds to the Department of the Prosecuting Attorney of the City and County of Honolulu for the career criminal prosecution unit.	JUD, FIN
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<u>HB 1355</u> <u>Status</u>	RELATING TO THE STATE COMMISSION ON THE STATUS OF WOMEN. Appropriates funds to the state commission on the status of women.	JUD, FIN
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<u>HB 1357</u> <u>Status</u>	RELATING TO THE HAWAII CIVIL RIGHTS COMMISSION BUDGET. Relates to the Hawaii Civil Rights Commission operating budget.	JUD, FIN
<u>HB 1354</u> <u>Status</u>	RELATING TO THE OFFICE OF INFORMATION PRACTICES BUDGET. Relates to the Office of Information Practices Budget.	JUD, FIN
<u>HB 1353</u> <u>Status</u>	RELATING TO THE OFFICE OF THE PUBLIC DEFENDER OPERATING BUDGET. Appropriates funds for the operating budget for the Office of the Public Defender for the fiscal biennium 2019-2021.	JUD, FIN
<u>HB 942</u> <u>Status</u>	MAKING APPROPRIATIONS FOR CLAIMS AGAINST THE STATE, ITS OFFICERS, OR ITS EMPLOYEES. Makes appropriations for claims against the State, its officers, and its employees.	JUD, FIN

The following measure(s) were previously heard on February 07, 2019 at 2:05pm.

<u>HB 1395</u> <u>Status</u>	RELATING TO SMOKING. Establishes a \$100 fine for underage persons who smoke on public-school property or at public-school functions.	JUD, FIN
<u>HB 290</u> <u>Status</u>	RELATING TO THE UNIFORM CONTROLLED SUBSTANCES ACT. Updates the Uniform Controlled Substances Act to make it consistent with amendments in federal controlled substances law as required under the authority to schedule controlled substances.	JUD
<u>HB 337</u> <u>Status</u>	RELATING TO PUBLIC MEETINGS. Changes the time to file a suit to void a final action taken in violation of sunshine laws from within ninety days to within one hundred eighty days of the action.	JUD, FIN
<u>HB 982</u> <u>Status</u>	RELATING TO PUBLIC NOTICES. Clarifies the type of public notice required for reporting the redetermination of the University of Hawaii's allotment ceiling, the state growth rate and expenditure ceiling, and the release of grants.	JUD, FIN



HB 1076
Status

RELATING TO PUBLIC MEETINGS.

JUD, FIN

Requires public meeting notices to include instructions regarding accommodations for persons with disabilities. Requires boards to post public meeting notices in an accessible format on an electronic calendar on a website maintained by the State or the appropriate county, file a copy with the office of the lieutenant governor or the appropriate county clerk's office, retain a copy of proof of filing, and post a notice in the board's office for public inspection. Requires the office of the lieutenant governor or the appropriate clerk's office to timely post paper or accessible electronic copies of all meeting notices in a central location in a public building. Repeals provision stating that failure of the board, lieutenant governor's office, or county clerk's office to post meeting notices shall not require cancellation of the meeting. Requires a meeting to be canceled when the written public notice or a copy with confirmed receipt from the office of the lieutenant governor or the appropriate county clerk's office is posted on an electronic calendar less than six days prior to the meeting. Requires an emergency meeting agenda to be filed with confirmed receipt with the office of the lieutenant governor or the appropriate county clerk's office and posted in the board's office.

HB 356
Status

RELATING TO CLAIMS AGAINST THE STATE.

JUD, FIN

Requires the Comptroller to annually adjust the threshold amount for which settlements for claims against the State must be approved by the legislature for inflation.

HB 1265
Status

RELATING TO PARENTAGE.

JUD

Clarifies 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.

HB 1452
Status

RELATING TO CIVIL LEGAL SERVICES.

JUD, FIN

Establishes and appropriates funds for the Hawaii Legal Aid Interagency Roundtable to facilitate cooperation between various state agencies regarding civil legal services and access to justice. Appropriates funds for the Judiciary to purchase civil legal services for low- and moderate-income persons.

HB 1433
Status

RELATING TO ADDRESS CONFIDENTIALITY.

JUD, FIN

Appropriates funds for two full-time equivalent (2.0 FTE) positions, operating costs, and equipment to support the Attorney General's Hawaii Criminal Justice Data Center in administering the Address Confidentiality Program.

HB 767
Status

RELATING TO TEMPORARY RESTRAINING ORDERS.

JUD, FIN

Authorizes family court judges to enforce certain temporary restraining orders upon a finding of civil contempt of court.

HB 512
Status

RELATING TO THE CHILDREN'S JUSTICE PROGRAM.

JUD, FIN

Clarifies the purpose of the Children's Justice Program. Limits disclosure of confidential information.



HB 513
Status

RELATING TO DESIGNATING SUBSTITUTE JUDGES ON THE INTERMEDIATE COURT OF APPEALS.
Authorizes the Chief Justice to designate circuit court judges, retired intermediate appellate judges, or retired supreme court justices to temporarily fill a vacancy on the Intermediate Court of Appeals.

JUD, FIN

HB 1261
Status

RELATED TO JUDICIAL PROCEEDINGS.
Makes permanent the requirement that decisions in contested case hearings of the Commission on Water Resource Management, Land Use Commission, Public Utilities Commission, Hawaii Community Development Authority, and those involving conservation districts be appealed directly to the Supreme Court, with certain exceptions. Effective 6/30/19.

JUD

HB 353
Status

RELATING TO THE FAMILY COURT.
Makes decisions of the family court appealable to the supreme court instead of the intermediate court of appeals. Requires the supreme court to render a final decision on appeals from family court orders within 180 days. Encourages a reduction in the number of remands to the family court.

JUD, FIN

HB 159
Status

RELATING TO CRIME.
Increases criminal penalties for anyone who knowingly keeps or maintains any structure or place for the purpose of using controlled substances or which is used for keeping or selling them in violation of controlled substance laws. Increases criminal penalties for those who knowingly profit from or advance gambling.

JUD

As this is a decision making meeting only, no public testimony will be accepted.

If you require special assistance or auxiliary aids and/or services to participate in the House public hearing process (i.e., sign or foreign language interpreter or wheelchair accessibility), please contact the Committee Clerk at 586-9450 or email your request for an interpreter to HouseInterpreter@Capitol.hawaii.gov at least 24 hours prior to the hearing for arrangements. Prompt requests submitted help to ensure the availability of qualified individuals and appropriate accommodations.

For further information, please call the Committee Clerk at 586-9450.



Rep. Chris Lee
Chair

