

Honolulu, Hawaii

, 2020

FEB 13

RE: H.B. No. 2610

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2610 entitled:

"A BILL FOR AN ACT RELATING TO DOMESTIC VIOLENCE,"

begs leave to report as follows:

The purpose of this measure is to allow a narrow hearsay exception for statements made by a domestic violence victim to a law enforcement officer, emergency medical services provider, or firefighter within twenty-four hours of a domestic violence incident, even if the statement is testimonial in nature, as long as the statement bears sufficient indicia of reliability.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu; Office of Prosecuting Attorney of the County of Kauai; Department of the Prosecuting Attorney of the County of Maui; Domestic Violence Action Center; Rainbow Family 808; and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Honolulu Police Department.

Your Committee finds that victim statements made within twenty-four hours of an incident are more reliable than statements made at a later time. After twenty-four hours, victims may become



less willing to cooperate, the potential for coercion increases, and memories become less reliable.

Your Committee further finds that an incident of domestic violence is part of an ongoing emergency, whereby incidents tend to escalate over time and sometimes result in death. This measure is intended to strike an important balance between protecting a defendant's constitutional right to confront the defendant's accusers and promoting the safety of domestic violence victims and society.

Your Committee has amended this measure by changing the effective date to July 1, 2050, to encourage further discussion.

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. 2610, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2610, H.D. 1, and be referred to your Committee on Finance.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



CHRIS LEE, Chair



