

STAND. COM. REP. NO.

2309

Honolulu, Hawaii

FEB 03 2020

RE: S.B. No. 1160

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1160 entitled:

"A BILL FOR AN ACT RELATING TO EXPERT WITNESS FEES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish applicable expert witness fees for testimony, preparation, per diem, and in-court attendance in state court criminal proceedings.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Office of the Prosecuting Attorney of the County of Kaua'i.

Your Committee finds that current law establishes budgetary procedures for the reimbursement of expert witness but does not clearly delineate what constitutes allowable expenses for these witnesses. Clearly the testimony of expert witnesses is an important resource for a variety of criminal court proceedings and are needed by the prosecution to establish its case. Expert witness testimony can also be crucial to a defense against criminal allegations if the defense relies on a careful and correct consideration of complex facts or specialized practices. Limiting access to expert witness testimony through arbitrarily truncating trial expenses impedes the ability of the court to give criminal court cases the full and just consideration that those cases deserve. Accordingly, there is a need to clarify applicable



statutory provisions relating to expert witness fees and per diem payments. Your Committee notes that according to testimony received during the hearing, an appropriation is not required for enactment of this measure.

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. 1160 and recommends that it pass Second Reading 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 1160	Committee Referral: JDC, WAM	Date: 01/28/2020		
<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 checked="" type="checkbox"/> Pass, unamended 2312 <input 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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
TOTAL	4			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