

STAND. COM. REP. NO.

2930

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2109  
S.D. 1

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. 2109 entitled:

"A BILL FOR AN ACT RELATING TO CHILDREN,"

begs leave to report as follows:

The purpose and intent of this measure is to require the court and the prosecution in all criminal proceedings of criminal offenses perpetrated against a minor, or any other criminal proceedings involving a minor victim or minor witness of any physical abuse, to take appropriate action, including setting the case for priority in the court docket, to ensure a prompt trial in order to minimize the length of time a minor must endure the stress of the minor's involvement in the proceedings.

Your Committee received testimony in support of this measure from The Sex Abuse Treatment Center, Pacific Alliance to Stop Slavery, CHILD USA, LGBT Caucus of the Democratic Party of Hawai'i, and thirteen individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that criminal proceedings in which a sexual or abusive offense has been committed against a minor can have long term negative effects on victims. Delays in criminal proceedings exacerbate the trauma of abusive events and prolong the healing process for the victims. Your Committee believes that the young victims of these especially heinous crimes are subject



to a greater vulnerability than victims of other crimes and therefore should be prioritized to protect against further trauma and stress caused by delays in the criminal proceedings so that healing may begin and victims and their families can move forward with their lives. Your Committee also recognizes that defendants are subject to state and constitutional protections to ensure a fair and speedy trial. Therefore, your Committee's intent is to mitigate harm to minor victims of sexual and abusive offenses without infringing upon the state and constitutional rights of the defendant.

Accordingly, your Committee has amended this measure by:

- (1) Limiting the prioritizing by the court and prosecution of cases on the court docket to only criminal proceedings for abuse or sexual offenses against a minor child;
- (2) Requiring the court to take into consideration the potential adverse impact the delay may have on the minor's well-being and to grant a continuance only when not doing so would result in a state or federal constitutional violation;
- (3) Deleting language that would have required the court to commence trial within twelve months and to impose sanctions against a defense attorney who is unprepared to commence trial in the absence of good cause; and
- (4) 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. 2109, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2109, 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*

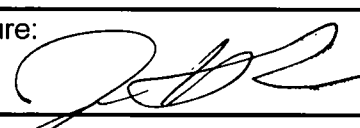
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KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

Record of Votes  
Committee on Judiciary  
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB2109	JDC	2/6/2020		
<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 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)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado				/
FEVELLA, Kurt	/			
<b>TOTAL</b>	4			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original File with Committee Report      Yellow Clerk's Office      Pink Drafting Agency      Goldenrod Committee File Copy				

\*Only one measure per Record of Votes