

STAND. COM. REP. NO.

2326

Honolulu, Hawaii

FEB 04 2020

RE: S.B. No. 2184

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

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 2184 entitled:

"A BILL FOR AN ACT RELATING TO EYEWITNESS IDENTIFICATION,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify and modify existing law regarding eyewitness identification procedures.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.


Your Committee finds that mistakes in eyewitness identification contribute to a significant majority of wrongful conviction that are later overturned by DNA evidence. More accurate eyewitness identifications increase the ability of police and prosecutors to solve crimes, convict the guilty, and protect the innocent. In order to provide for a more accurate eyewitness identification procedure, the Legislature passed Act 281, Session Laws of Hawaii 2019 (Act 281), which created procedural and administrative requirements for law enforcement agencies pertaining to eyewitness identifications of suspects in criminal investigations. However, your Committee also finds that Act 281



imposed new requirements some of which created undue burden for law enforcement. This measure will clarify Act 281 by providing flexibility in eyewitness identification procedures.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2184 and recommends that it pass Second Reading and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

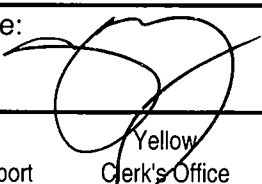


CLARENCE K. NISHIHARA, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 2184	Committee Referral: PSM, JDC	Date: 1/31/20		
<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
NISHIHARA, Clarence K. (C)	✓			
WAKAI, Glenn (VC)	✓			
BAKER, Rosalyn H.				✓
HARIMOTO, Breene	✓			
FEVELLA, Kurt	✓			
TOTAL	4	0	0	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