

Honolulu, Hawaii

MAR 01 2019

RE: S.B. No. 331

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 331 entitled:

"A BILL FOR AN ACT RELATING TO MOVIE THEATERS,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Permanently require certain motion picture theater owners and operators to provide open movie captioning for at least two showings per week, with at least one screening on a Saturday or Sunday; and
- (2) Repeal the requirement to provide an option of personal closed captioning screenings by means of lightweight eyewear.

Your Committee received testimony in support of this measure from the Office of Language Access, Disability and Communication Access Board, Hawai'i Civil Rights Commission, Aloha State Association of the Deaf, Special Education Advisory Council, Hawaii Coalition for Children with Disabilities, O'ahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i, and eight individuals.

Your Committee finds that Hawaii has been a pioneer in public policy regarding access of movie entertainment for the deaf and/or hard-of-hearing community. Act 39, Session Laws of Hawaii 2015,



required movie theater operators to provide closed captioning showings at least twice a week. The closed captioning requirement supplemented the federal Americans with Disabilities Act requirement to provide an assistive technology option. However, the State's closed captioning requirement was lessened in 2017 by allowing movie theaters the option of offering a personal closed captioning system in lieu of offering showings with open movie captioning, depriving the deaf and/or hard-of-hearing community as well as other movie goers who may benefit from closed captioning of a tremendous benefit.

Your Committee further finds that although some movie theaters provide open movie captioning screenings, those screenings often occur during weekdays when many members of the deaf and/or hard-of-hearing community are working or attending school. Additionally, the personal closed captioning systems are unreliable and uncomfortable to wear, especially with eyeglasses. This measure ensures that Hawaii continues to support full access for persons with disabilities through meaningful accessibility requirements for movie theaters.

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. 331 and recommends that it pass Third Reading.

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 331	Committee Referral: CPH, JDC	Date: 2/26/19		
<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)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
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