

Honolulu, Hawaii

APR 22 2021

RE: S.B. No. 413  
S.D. 1  
H.D. 1  
C.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 413, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VIOLATION OF PRIVACY,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to exclude violation of privacy in the first degree, and certain subsections of violation of privacy in the second degree, from qualifying for deferred acceptance of guilty plea or nolo contendere plea.

Your Committee on Conference finds that under existing law a defendant may request a deferral of their criminal charges under certain circumstances. The trial court, after considering the merits of the case, and hearing argument from the prosecutor, may grant a deferral of the proceedings, only if the trial court finds that the defendant is not likely again to engage in a criminal course of conduct and that the ends of justice and welfare of



society do not require that the defendant suffer the penalty imposed by law. Your Committee on Conference further finds that due to the serious nature of certain privacy violations involving other people's intimate activities, private communications, or intimate areas of the body, without consent, deferred pleas should not be available for those offenses.

Your Committee on Conference has amended this measure by making it effective upon its approval.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 413, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 413, S.D. 1, H.D. 1, C.D. 1.

Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE



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SCOT Z. MARAYOSHI  
Chair

ON THE PART OF THE SENATE



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KARL RHOADS  
Chair



