

Honolulu, Hawaii
MAR 03 , 2022

RE: H.B. No. 1878
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1878 entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this measure is to amend the period in which the Hawaii Supreme Court is in session to annual terms commencing on the first Monday in January of each year beginning in 2024.

Your Committee received comments on this measure from the Judiciary.

Your Committee finds that there are concerns regarding the current term of the Hawaii Supreme Court. Apparently, if a justice of the Hawaii Supreme Court retires before a decision has been issued on a case, then the Intermediate Court of Appeals ruling stands. Your Committee believes that the requirement that the Hawaii Supreme Court sit in continuous session, rather than annual session merits further study.

Accordingly, your Committee has amended this measure by deleting language that would have amended the period in which the Hawaii Supreme Court is in session and instead requiring the Legislative Reference Bureau to:



- (1) Conduct a study to consider if the Hawaii Supreme Court should be a single term like the United States Supreme Court; and
- (2) Submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the regular session of 2023.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1878, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1878, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



