

STAND. COM. REP. NO.

789

Honolulu, Hawaii

FEB 18 , 2021

RE: H.B. No. 569
H.D. 2

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

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 569, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE,"

begs leave to report as follows:

The purpose of this measure is to expand the victim-counselor privilege under the Hawaii Rules of Evidence to include:

- (1) Victims of dating violence, stalking, and sexual harassment; and
- (2) Confidential advocates employed by the University of Hawaii.

Your Committee received testimony in support of this measure from the Department of Human Services, University of Hawai'i System, Hawaii State Commission on the Status of Women, Planned Parenthood Votes Northwest and Hawaii, Hawaii State Coalition Against Domestic Violence, Hawaii Women's Coalition, The Sex Abuse Treatment Center, and one individual.

Your Committee finds that the additional legal protections provided by this measure will allow victims of sexual assault, domestic violence, dating violence, stalking, sexual harassment, and child abuse to share more information with University of

2021-1664 HB569 HD2 HSCR HMSO



Hawaii confidential advocates in confidence and receive better support from the University.

Your Committee has amended this measure by:

- (1) Clarifying that the victim has a semiabsolute privilege to refuse or prevent disclosure under the victim-counselor privilege; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 569, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as H.B. No. 569, H.D. 2.

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



MARK M. NAKASHIMA, Chair



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 389

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

| Bill/Resolution No.: HB 569 HDI | Committee Referral: HET, JHA, FIN | Date: 2-11-21 | | |
|--|---|-------------------------|------|---------|
| <input type="checkbox"/> The committee is reconsidering its previous decision on the measure. | | | | |
| The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit) | | | | |
| JHA Members | Ayes | Ayes (WR) | Nays | Excused |
| 1. NAKASHIMA, Mark M. (C) | ✓ | | | |
| 2. MATAYOSHI, Scot Z. (VC) | ✓ | | | |
| 3. ICHIYAMA, Linda | ✓ | | | |
| 4. KOBAYASHI, Dale T. | ✓ | | | |
| 5. LoPRESTI, Matthew S. | ✓ | | | |
| 6. LOWEN, Nicole E. | ✓ | | | |
| 7. McKELVEY, Angus L.K. | ✓ | | | |
| 8. NAKAMURA, Nadine K. | ✓ | | | |
| 9. TAKUMI, Roy M. | ✓ | | | |
| 10. TODD, Chris | ✓ | | | |
| 11. TOKIOKA, James Kunane | ✓ | | | |
| 12. WARD, Gene | ✓ | | | |
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| TOTAL (12) | 12 | 0 | 0 | 0 |
| The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <div style="text-align: center; font-size: 0.8em;">committee acronym(s)</div> | | | | |
| Vice Chair's or designee's signature: _____ | | | | |
| Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO | | | | |