

STAND. COM. REP. NO.

2967

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2027
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2027 entitled:

"A BILL FOR AN ACT RELATING TO MURDER,"

begs leave to report as follows:

The purpose and intent of this measure is to amend provisions relating to first degree murder, adding that a person commits the offense of first degree murder if:

- (1) The person knowingly or intentionally causes the death of another person that is less than fourteen years old or pregnant with a viable fetus; or
- (2) The murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity.

Your Committee received testimony in support of this measure from the Hawaii Family Forum and twenty-eight individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Hawaii State Coalition Against Domestic Violence, and Save Medicaid Hawaii. Your Committee received comments on this measure from the Judiciary, Hawai'i State Commission on the Status of Women, Honolulu Police Department, and two individuals.



Your Committee finds that many other states include children as individuals deserving of heightened protection in their murder statutes. This measure will better protect the people of Hawaii by adding that a person commits the offense of first degree murder if the person knowingly or intentionally kills a pregnant woman, child under the age of ten, or if the murder was especially heinous, atrocious, or cruel, manifesting exceptional depravity.

Your Committee has amended this measure by:

- (1) Reducing the required age of the victim from less than fourteen years old to less than ten years old for the offense of first degree murder;
- (2) Clarifying language to require the person killed to have been pregnant for the offense of first degree murder;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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. 2027, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2027, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2027	JDC	02-24-22

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	7	-	-	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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*Only one measure per Record of Votes