

STAND. COM. REP. NO. 1743-22

Honolulu, Hawaii

MAR 24 , 2022

RE: S.B. No. 3329
S.D. 1
H.D. 2

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 S.B. No. 3329, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC PARTICIPATION IN GOVERNMENT,"

begs leave to report as follows:

The purpose of this measure is to repeal chapter 634F, Hawaii Revised Statutes, the Citizen Participation in Government Act, and enact the Hawaii Public Expression Protection Act in its place.

Your Committee received testimony in support of this measure from the Commission to Promote Uniform State Laws, Common Cause Hawaii, League of Women Voters of Hawaii, Unite Here! Local 5 Hawaii, Kua'āina Ulu 'Auamo, American Civil Liberties Union of Hawai'i, Climate Protectors Hawai'i, Mālama Pūpūkea-Waimea, Uniform Law Commission, Hawaii Association for Justice, Hawaii's Thousand Friends, and two individuals.

Your Committee finds that Hawaii's Citizen Participation in Government Act was intended to protect and encourage citizen participation in government to the maximum extent possible by establishing a process for the speedy adjudication of strategic lawsuits against public participation, also known as SLAPP suits.

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However, due to narrow and confusing provisions under the Act, courts often decline to apply its procedural protections.

Your Committee further finds that this measure modernizes Hawaii's anti-SLAPP laws by adopting the Uniform Public Expression Protection Act, which establishes procedural protections for all parties and clearer instructions for courts to fairly and expeditiously dispose of SLAPP claims.

Your Committee has amended this measure by 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 S.B. No. 3329, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 3329, S.D. 1, H.D. 2.

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


MARK M. NAKASHIMA, Chair



