

Honolulu, Hawaii

APR 29 2022

RE: S.B. No. 416
S.D. 1
H.D. 2
C.D. 1

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

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
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. 416, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO WITNESS FEES AND REIMBURSEMENTS IN CRIMINAL CASES,"

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:

- (1) Clarify the applicable expert witness fees in state criminal cases; and
- (2) Increase per diem payments for other witnesses required to travel and stay overnight to attend a state court or grand jury in any criminal case.

Your Committee on Conference finds that statutory changes are needed to ensure the reimbursement of certain expert witness fees



for county prosecutors, indigent defendants represented by the Office of the Public Defender, and private conflict counsel, and that these changes are necessary to support both a defendant's constitutional right to a defense and the State's ability to prosecute violations of the law. This measure codifies the procedures and guidelines allowing for reimbursement of expert witness fees while also assisting witnesses and crime victims in covering the rising costs of travel.

Your Committee on Conference has amended this measure by changing the effective date to 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. 416, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 416, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



MARK M. NAKASHIMA
Co-Chair



KARL RHOADS
Chair



SCOTT Y. NISHIMOTO
Co-Chair



**Record of Votes of a
Conference Committee**

Bill / Concurrent Resolution No.: SB 416, SD 1, HD 2	Date/Time: 04/28/22 2:11 pm
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
RHOADS, Karl, Chr.	✓				NAKASHIMA, Mark M., Co-Chr.	✓			
LEE, Chris	✓				NISHIMOTO, Scott Y., Co-Chr.	✓			
FEVELLA, Kurt	✓				MATAYOSHI, Scot Z.	✓			
					TOKIOKA, James Kunane	✓			
					WARD, Gene	✓			
TOTAL	3	0	0	0	TOTAL	5	0	0	0

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature:
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