

STAND. COM. REP. NO.

2098

Honolulu, Hawaii

FEB 07 2022

RE: S.B. No. 832
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. 832 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to expand the victim-counselor privilege to include confidential advocates employed by the University of Hawai'i.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawai'i State Commission on the Status of Women, Hawai'i State Coalition Against Domestic Violence, Sex Abuse Treatment Center, and nine individuals.

Your Committee finds that pursuant to Act 208, Session Laws of Hawaii 2016, the Legislature requires the University of Hawai'i to designate confidential advocates at each campus to provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence, and stalking. However, the law does not provide a mechanism to guarantee confidentiality to students and employees seeking services of campus-based advocates. Your Committee believes that absent additional legal protections, victims may be less likely to share information in fear that information may be later subpoenaed for court proceedings against their wishes. This measure expands the victim-counselor privilege by establishing additional legal



protections to information that victims share with the University of Hawai'i's confidential advocates to allow victims to share more information in confidence and thereby receive better support from the University of Hawai'i.

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;
- (2) Inserting a severability clause;
- (3) Amending section 1 to reflect its amended purpose; 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. 832 and recommends that it pass Second Reading in the form attached hereinto as S.B. No. 832, 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



