

STAND. COM. REP. NO.

420

Honolulu, Hawaii

FEB 19 2021

RE: S.B. No. 886  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Human Services, to which was referred S.B. No. 886 entitled:

"A BILL FOR AN ACT RELATING TO SPEEDY TRIALS,"

begs leave to report as follows:

The purpose and intent of this measure is to reduce the secondary traumatization of long-term consequences for children and minors providing testimony at trial concerning abuse they have either experienced or witnessed, where the perpetrator is an adult.

Your Committee received testimony in support of this measure from Rainbow Family 808, Hawaii Family Advocacy Team, and six individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that the right to a speedy criminal trial is a fundamental element of our state and federal constitutions. However, your Committee also finds that victims and witnesses in cases involving a sexual offense charged under part V of chapter 707, Hawaii Revised Statutes, should also have a right to a speedy trial that is subordinate only to a defendant's constitutional rights. Your Committee further finds that when considering a motion to postpone a trial in any of these cases, the court should consider the totality of the circumstances, including any substantial adverse impact that postponing the trial



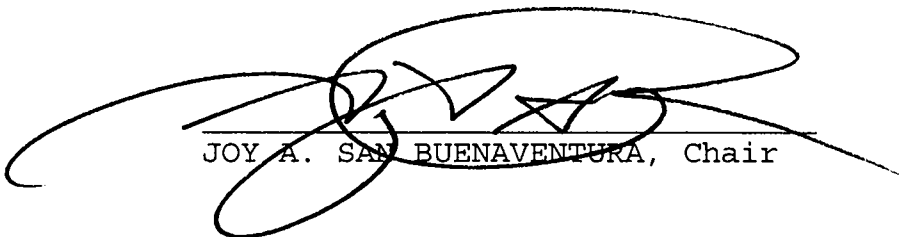
may have on the victim or witness, particularly if the trial has been postponed once before. Accordingly, your Committee finds that this measure is designed to preserve the fundamental trial rights of criminal defendants, while also protecting victims and witnesses of sexual offenses committed by an adult from undue delay at trial that may adversely impact their well-being.

Your Committee recognizes that delays in cases involving child victims and child witnesses are due to trial judges, defense bar, and prosecuting attorneys alike, and therefore, your Committee has amended this measure by:

- (1) Removing sanctions against defense counsel for failure to timely prepare for trial;
- (2) Inserting an effective date of May 1, 2029, to encourage further discussion; and
- (3) 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 Human Services that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 886, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 886, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Human Services,




JOY A. SAN BUENAVENTURA, Chair



The Senate  
Thirty-First Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Human Services**  
**HMS**

Bill / Resolution No.:* <b>SB886</b>	Committee Referral: <b>HMS, JDC</b>	Date: <b>02/16/2021</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAN BUENAVENTURA, Joy A. (C)	✓			
IHARA, Jr., Les (VC)	✓			
ACASIO, Laura		✓		
MISALUCHA, Bennette E.	✓			
FEVELLA, Kurt	✓			
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes