

STAND. COM. REP. NO. 3019

Honolulu, Hawaii

MAR 0 1 2024

RE: S.B. No. 2520

S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2520, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE DEFENSE OF STATE
EMPLOYEES, "

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Require the State to defend professionally licensed or certified state employees from civil actions when the employee was acting within the scope of their employment and was not grossly negligent or wanton, or failing to cooperate;
- (2) Clarify that the employee may employ their own attorney at the employee's own expense; and
- (3) Require that if the State refuses to defend a state employee from civil actions on certain grounds, the Attorney General shall first work with the employee to amicably transfer representation to the replacement counsel, and if necessary, file a motion to withdraw as counsel as a confidential document.

Your Committees received testimony in support of this measure from the Hawaii Association for Justice; Hawaii Government



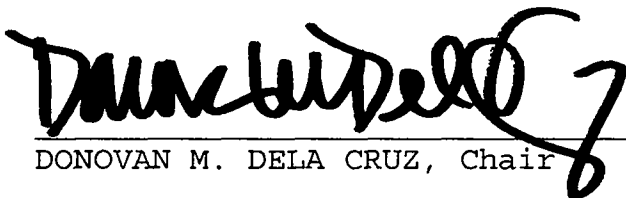
Employees Association, AFSCME Local 152, AFL-CIO; and Hawaii State AFL-CIO.

Your Committees find that currently state employees are not supported if they face civil action even if the employee's actions are within the scope of employment. Your Committees further find that it is critical to appropriately balance the protection of a resident's rights while providing protection to state employees if legal issues arise. This measure will prevent undue stress and financial burdens on state employees by providing protections if an employee faces civil action due to actions conducted in their capacity as a public employee.

Your Committees have amended this measure by clarifying that if the Attorney General and state employee cannot amicably transfer representation, the Attorney General shall file a motion to withdraw as counsel, regardless of any determination as to whether a motion to withdraw as counsel is required to be filed.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2520, S.D. 1, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2520, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,



DONOVAN M. DELA CRUZ, Chair



KARL RHOADS, Chair



