

Honolulu, Hawaii
MAR 27 , 2024

RE: S.B. No. 3034
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 3034 entitled:

"A BILL FOR AN ACT RELATING TO PENAL LIABILITY,"

begs leave to report as follows:

The purpose of this measure is to explicitly categorize defenses to penal liability based on intoxication that is not self-induced or is pathological as affirmative defenses.

Your Committee received testimony in support of this measure from the Department of the Attorney General; Department of the Prosecuting Attorney of the County of Maui; and Hawai'i Police Department. Your Committee received testimony in opposition to this measure from the Office of Public Defender.

Your Committee finds that an affirmative defense entitles a defendant to an acquittal if the trier of fact finds that the evidence, when considered in light of any contrary prosecution evidence, proves by a preponderance of the evidence that the specified fact or facts negate penal liability. Categorizing nonself-induced or pathological criminal intoxication defenses as affirmative defenses will increase the likelihood that related evidence will be properly preserved.

Your Committee has amended this measure by:



- (1) Inserting a sunset date of July 1, 2027;
- (2) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (3) 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. 3034, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3034, H.D. 1, and be placed on the calendar for Third Reading.

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



DAVID A. TARNAS, Chair



