

STAND. COM. REP. NO.

**2834**

Honolulu, Hawaii

**MAR 0 1 2024**

RE: S.B. No. 3034

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

Sir:

Your Committee on Judiciary, 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 and intent of this measure is to explicitly categorize defenses based on intoxication that is pathological or not self-induced as affirmative defenses.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Department of Law Enforcement, and Office of the Prosecuting Attorney of the County of Kaua'i.

Your Committee finds that intoxication as a defense creates inequity in the judicial system when the defendant raises, or infers the possibility of, an intoxication defense to the prosecution months after the incident has occurred. In some cases, crucial substantive or tangible evidence may be destroyed, lost, or tampered with before a defendant raises an intoxication defense. Additionally, the prosecution is left at a severe disadvantage as the prosecution and law enforcement are unable to thoroughly investigate the claims beyond a reasonable doubt. This measure ensures fair and just prosecution while providing for instances of legitimate defense.



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. 3034 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,

*Karl Rhoads*

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KARL RHOADS, Chair



