STAND. COM. REP. NO. 1056



Honolulu, Hawaii

, 2025 FEB 28

H.B. No. 36 RE: H.D. 2

Honorable Nadine K. Nakamura Speaker, House of Representatives Thirty-Third State Legislature Regular Session of 2025 State of Hawaii

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 36, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EXCITED DELIRIUM,"

begs leave to report as follows:

The purpose of this measure is to:

- Prohibit excited delirium from being recognized as a valid medical diagnosis or cause of death in the State;
- Prohibit a medical examiner, coroner, or health care provider from stating on a certificate of death or in any report that the cause of death was excited delirium;
- Prohibit law enforcement officers from using the term (3) excited delirium to describe an individual in an incident report; and
- Establish a new Hawaii Rule of Evidence that deems evidence that a person experienced or suffered excited delirium inadmissible in a civil action.

Your Committee received testimony in support of this measure from the Office of the Public Defender; Hawaii Disability Rights Center; Hui Malama Pono Hawai'i; Community Alliance on Prisons;

2025-2376 HB36 HD2 HSCR HMSO Haddad & Sherwin LLP; American Civil Liberties Union of Hawai'i; and numerous individuals. Your Committee received testimony in opposition to this measure from the Judiciary. Your Committee received comments on this measure from the Department of Health.

Your Committee finds that the term "excited delirium" has been widely discredited by medical and scientific organizations and has been improperly used to justify deaths occurring in law enforcement custody. This unrecognized diagnosis has contributed to legal outcomes that obscure the true causes of death, preventing accountability and justice for affected individuals and their families. This measure ensures that law enforcement and medical determinations are based on scientifically valid and evidence-based practices by prohibiting the use of the term "excited delirium" as a medical diagnosis, cause of death, or legal defense.

Your Committee has amended this measure by 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 H.B. No. 36, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 36, H.D. 2.

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

DAVID A. TARNAS, Chair

State of Hawaii House of Representatives The Thirty-third Legislature

HSCR 1056

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB36 HD1	Committee Referral: HLT, UHA	Date: 02/26/2025		
The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold				
Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)				
POLIDOE M. I. (M.C.)				
2. POEPOE, Mahina (VC)				
3. BELATTI, Della Au			Batta	
4. COCHRAN, Elle				V
5. HASHEM, Mark J.			and the state of t	
6. KAHALOA, Kirstin	RECESSION MAGAZETACION			
7. PERRUSO, Amy A.	<u> </u>		накимове <i>товет се</i>	100 C 1 X X X X X X X X X X X X X X X X X X
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8. TAKAYAMA, Gregg		10 T. LESSONE 1 1950		
9. TODD, Chris				
7. TODD, CHIIS				
10. GARCIA, Diamond		V	THE THE PERSON NAMED AND ADDRESS OF THE	1983 4984 25 CANDULL
	High Hairing			zalicker milje 2. stoletare il
11. SHIMIZU, Garner M.				
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TOTAL (11)	<u>ි</u>		0	2
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				