

ACT 25

H.B. NO. 3511

A Bill for an Act Relating to Hawaii Rules of Evidence.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 626-1, Hawaii Revised Statutes, is amended by amending rule 404 to read as follows:

**“Rule 404 Character evidence not admissible to prove conduct; exceptions; other crimes.** (a) Character evidence generally. Evidence of a person’s character or a trait of [his] a person’s character is not admissible for the purpose of proving [that he acted] action in conformity therewith on a particular occasion, except:

- (1) Character of accused. Evidence of a pertinent trait of [his] character of an accused offered by an accused, or by the prosecution to rebut the same;
  - (2) Character of victim. Evidence of a pertinent trait of character of the victim of the crime offered by an accused, or by the prosecution to rebut the same, or evidence of a character trait of peacefulness of the victim offered by the prosecution in a homicide case to rebut evidence that the victim was the first aggressor;
  - (3) Character of witness. Evidence of the character of a witness, as provided in rules 607, 608, 609, and 609.1.
- (b) Other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show [that he

acted] action in conformity therewith. It may, however, be admissible where such evidence is probative of another<sup>1</sup> fact that is of consequence to the determination of the action, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, modus operandi, or absence of mistake or accident. In criminal cases, the proponent of evidence to be offered under this subsection shall provide reasonable notice in advance of trial, or during trial if the court excuses pretrial notice on good cause shown, of the date, location, and general nature of any such evidence it intends to introduce at trial."

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved April 20, 1994.)

**Note**

1. Prior to amendment "any other" appeared here.