
A BILL FOR AN ACT

RELATING TO THE HAWAII RULES OF EVIDENCE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

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

3 "(a) Character evidence generally. Evidence of a person's
4 character or a trait of a person's character is not admissible
5 for the purpose of proving action in conformity therewith on a
6 particular occasion, except:

7 (1) Character of accused. Evidence of a pertinent trait
8 of character of an accused offered by an accused, or
9 by the prosecution to rebut the same~~[+]~~, or if
10 evidence of the victim's aggressive character is
11 offered by an accused and admitted under paragraph
12 (2), evidence of the aggressive character of the
13 accused may be offered by the prosecution;

14 (2) Character of victim. Evidence of a pertinent trait of
15 character of the victim of the crime offered by an
16 accused, or by the prosecution to rebut the same, or
17 evidence of a character trait of peacefulness of the
18 victim offered by the prosecution in a homicide case

1 to rebut evidence that the victim was the first
2 aggressor;

3 (3) Character of witness. Evidence of the character of a
4 witness, as provided in rules 607, 608, 609, and
5 609.1."

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

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 2075.

Report Title:

Evidence; Character of Accused

Description:

Allows for admission of character evidence showing the aggressiveness of the defendant if the court allows the admission of character evidence showing the aggressiveness of the alleged victim. Effective 7/1/2075. (SD1)