

Honolulu, Hawaii

FEB 28 2019

RE: S.B. No. 1342

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 1342 entitled:

"A BILL FOR AN ACT RELATING TO THE PROBATE CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish restrictions on donative transfers to protect transferors from coercive, exploitative, or otherwise improper transfers benefitting persons involved with drafting the transfer instrument or persons who have significant influence over the transferor.

Your Committee did not receive any testimony on this measure.

Your Committee finds that a donative transfer is the means by which an individual may transfer a gift of property to another and includes wills, trusts, and other legal documents. Your Committee further finds that donative transfers to others with whom the drafter of the transferring instrument is in a special relationship, due to blood, marriage, business, or a legal relationship, run the risk of the donative transfer being subject to undue influence. This measure enacts safeguards to ensure that a donative transfer represents the intention of the transferor and is not compromised by an act of the transferee.

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. 1342 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,

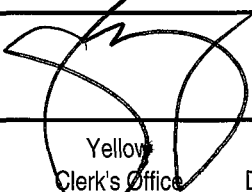
Karl Rhoads

KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

**Record of Votes
Committee on Judiciary
JDC**

Bill / Resolution No.:* S.B. 1342	Committee Referral: JDC	Date: 2-20-2019		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input checked="" type="checkbox"/> Pass, unamended 2312 <input type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye ✓	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
WAKAI, Glenn (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado	✓			
FEVELLA, Kurt				✓
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes