

Honolulu, Hawaii

April 25, 2013RE: H.B. No. 622
H.D. 1
S.D. 1
C.D. 1

Honorable Joseph M. Souki
Speaker, House of Representatives
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 622, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to protect the freedom of the press by:

- (1) Making permanent the news media privilege; and
- (2) Clarifying and defining the applicability of the privilege.

Your Committee on Conference has amended this measure by:

- (1) Reinstating the provision that extends the privilege to unpublished information obtained or prepared by certain



persons while employed or professionally associated in the course of gathering, receiving, or processing information for communication to the public;

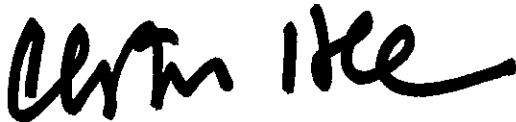
- (2) Removing the news-media-privilege exception with respect to defendants in criminal cases who have a constitutional right to the information sought, because any constitutional right such defendants have will prevail over the statute, thus making it unnecessary to amend the existing privilege; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 622, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 622, H.D. 1, S.D. 1, C.D. 1.

Respectfully submitted on behalf of the managers:

ON THE PART OF THE SENATE

ON THE PART OF THE HOUSE



CLAYTON HEE, Chair



KARL RHOADS, Chair



MAILE S.L. SHIMABUKURO, Co-Chair



Hawaii State Legislature

CCR 54

Record of Votes of a Conference Committee

Bill / Concurrent Resolution No.: HB 622, HD 1, SD 1	Date/Time: <i>April 25, 2013 / 1:25 pm</i>
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The recommendation of the House and Senate managers is to pass with amendments (CD).

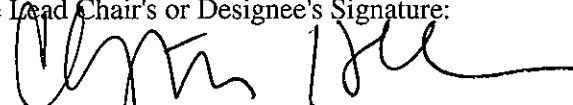

The Committee is reconsidering its previous decision.

<input type="checkbox"/> The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure	<input type="checkbox"/> The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.
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Senate Managers	A	WR	N	E	House Managers	A	WR	N	E
HEE, Clayton, Chr.	X				RHOADS, Karl, Chr.	X			
SHIMABUKURO, Maile S.L., Co-Chr.	X				BELATTI, Della Au	X			
GABBARD, Mike				X	LBE, Chris				X
IHARA, Les, Jr.				X	THIELEN, Cynthia			X	
SLOM, Sam		X							
TOTAL	2	1	0	2	TOTAL	2	0	1	1

A = Aye WR = Aye with Reservations N = Nay E = Excused

Senate Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted	House Recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted
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Senate Lead Chair's or Designee's Signature: 	House Lead Chair's or Designee's Signature: 
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