

STAND. COM. REP. NO.

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Honolulu, Hawaii

February 12, 2013

RE: H.B. No. 622  
H.D. 1

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 622 entitled:

"A BILL FOR AN ACT RELATING TO EVIDENCE,"

begs leave to report as follows:

The purpose of this measure is to protect the freedom of the press by making permanent the limited news media privilege against the compelled disclosure of sources and unpublished information to a legislative, executive, or judicial officer or body, or to any other person who may compel testimony.

The American Civil Liberties Union of Hawaii, Hawaii Shield Law Coalition, Community Alliance on Prisons, and one concerned citizen testified in support of this measure. The Department of the Attorney General provided comments on this bill and suggested amendments.

Your Committee has amended this measure by:

- (1) Including language in the preamble to acknowledge that certain amendments suggested by the Supreme Court Standing Committee on the Rules of Evidence are incorporated in the codification of the limited news media privilege;



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- (2) Expanding the exception to the privilege to include cases where there is substantial evidence that the information sought is material to the investigation, prosecution, or defense of a potential felony or serious crime involving the unlawful injury to persons or animals, or to any civil action;
- (3) Clarifying that only those who validly invoke the privilege will be shielded from fine or imprisonment; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 622, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 622, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary,



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KARL RHOADS, Chair



