



The Judiciary, State of Hawai‘i

**Testimony to the Senate Committee on Public Safety,
Intergovernmental, and Military Affairs**

Senator Clarence K. Nishihara, Chair
Senator Glenn Wakai, Vice Chair

Thursday, February 2, 2017 1:15 PM
State Capitol, Conference Room 229

WRITTEN TESTIMONY ONLY

by
Judge Glenn J. Kim
Chair
Supreme Court Standing Committee on
the Hawai‘i Rules of Evidence

Bill No. and Title: Senate Bill No. 674, Relating to Criminal Procedure.

Purpose: Senate Bill 674 creates procedural and administrative requirements for law enforcement agencies for eyewitness identification of suspects in criminal investigations. It also mandates jury instructions which must be given by the court if eyewitness identification evidence is admitted at trial.

Judiciary's Position:

The Standing Committee on the Hawai‘i Rules of Evidence was established by the Chief Justice on 15 July 1993 “to study and evaluate proposed evidence law measures referred by the Hawai‘i Legislature, and to consider and propose appropriate amendments to the Hawai‘i Rules of Evidence.” The Committee believes that Section 3 of Senate Bill 674 regarding proposed mandatory jury instructions is an issue that should be addressed by the Committee, as it involves the admission of evidence at trial and mandated jury instructions as a result.

The Committee is scheduled to meet on date of this hearing, February 2, 2017, and plans to discuss and evaluate the proposed legislation at that time, with a view toward developing a position for the current legislative session. Accordingly, although the Committee is not yet able



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to present testimony to you in this regard, the Committee is confident that it will be able to set forth a considered position on the proposed legislation in very short order. Due to the scheduling conflict, the Evidence Committee would like to note its upcoming review of Senate Bill 674 and reserve its comments until future hearings before other legislative committees with an interest in the bill, such as the Judiciary and Labor and Ways and Means Committees.

Thank you for the opportunity to testify on Senate Bill No. 674.