

Honolulu, Hawaii

Feb 14, 2008

RE: H.B. No. 3042
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 3042 entitled:

"A BILL FOR AN ACT PROPOSING AN AMENDMENT TO ARTICLE XVI OF THE CONSTITUTION OF THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose of this bill is to balance the societal need to prosecute serious criminal cases with the rights of individuals by proposing a constitutional amendment to provide that a witness in a criminal case who asserts self-incrimination privilege may be compelled to testify or provide evidence so long as the testimony or evidence cannot later be used against the witness in a criminal case except for perjury, false statement, or failure to comply with the order to testify.

The Department of the Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Hawaii Police Department, Honolulu Police Department, and Maui County Police Department testified in support of this bill. The Office of the Public Defender and American Civil Liberties Union of Hawaii opposed this measure.

Your Committee has amended this bill by:

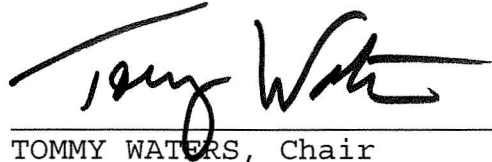
- (1) Deleting the effective date to encourage further discussion; and



- (2) 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. 3042, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3042, H.D. 1, and be referred to the Committee on Finance.

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



TOMMY WATERS, Chair



