Honolulu, Hawaii

Fe 914, 2008

RE: H.B. No. 3056

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. 3056 entitled:

"A BILL FOR AN ACT PROPOSING AMENDMENTS TO ARTICLE VI OF THE CONSTITUTION OF THE STATE OF HAWAII,"

begs leave to report as follows:

The purpose of this bill is to improve the process of regulating the conduct of and disciplining judges, and public confidence in this process, by proposing a constitutional amendment to replace the existing Commission on Judicial Discipline created by the Supreme Court with an independent Judicial Conduct Commission.

The Department of the Attorney General testified in support of this bill. The Judiciary opposed this measure.

Your Committee has amended this bill by:

- (1) Providing for an appeals process for a judge or justice whose conduct has resulted in sanction by the proposed commission;
- (2) Providing that this bill shall not take effect upon compliance with Article XVII, Section 3, of the Hawaii Constitution, to encourage further discussion; and

(3) 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. 3056, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 3056, 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

State of Hawaii House of Representatives The Twenty-fourth Legislature

HSCR 399-08

Record of Votes of the Committee on Judiciary

HB 3056	JUD, FIN	Date	e: FEB. 5, 20	Æ
☐ The committee is reconsidering its previ	ious decision on the measure.	1		, , , , , , , , , , , , , , , , , , ,
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)			1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1 (1	
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy			A South Steel His Res	
4. GREEN, Josh, M.D.				
5. ITO, Ken				Mills Little
6. LUKE, Sylvia				
7. McKELVEY, Angus L.K.		The Control of the Co		
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I. 13. YAMASHITA, Kyle T.	ongles			
14. MARUMOTO, Barbara C.				
15. PINE, Kymberly Marcos		Control of the Control	likin silon	
16. THIELEN, Cynthia				
and the state of t				
			3	
TOTAL (16)	6	7		3
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				