

STAND. COM. REP. NO.

808

Honolulu, Hawaii

March 1, 2007

RE: H.B. No. 380
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fourth State Legislature
Regular Session of 2007
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 380 entitled:

"A BILL FOR AN ACT RELATING TO CIVIL PARTICIPATION IN GOVERNMENT,"

begs leave to report as follows:

The purpose of this bill is to increase civil participation in government by:

- (1) Immunizing from liability any act by a person in furtherance of the person's constitutional right to petition;
- (2) Amending the definition of Strategic Lawsuit Against Public Participation (SLAPP) to include language regarding immunized acts; and
- (3) Allowing the court to use supporting or opposing affidavits in the disposition of a SLAPP case based on the pleadings.

The League of Women Voters of Hawaii, Hawaii's Thousand Friends, and a few concerned individuals testified in support of this bill. The Department of the Attorney General opposed this measure.

HB380 HD1 HSCR JUD HMS 2007-2654

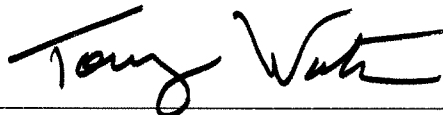


Your Committee has amended this bill by:

- (1) Deleting the provisions for immunization from liability of any act by a person in furtherance of the constitutional right to petition;
- (2) Deleting the provisions allowing the court to decide on a motion to dispose of a claim based on the pleadings and affidavits filed;
- (3) Clarifying the definition of SLAPP;
- (4) Changing the effective date to January 1, 2050, to encourage further discussion; and
- (5) 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. 380, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 380, H.D. 1, and be placed on the calendar for Third Reading.

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



TOMMY WATERS, Chair



