

ORIGINAL



EXECUTIVE CHAMBERS

HONOLULU

LINDA LINGLE  
GOVERNOR

GOV. MSG. NO. **623**

May 11, 2006

The Honorable Robert Bunda, President  
and Members of the Senate  
Twenty-Third State Legislature  
State Capitol, Room 003  
Honolulu, Hawaii 96813

Dear Mr. President and Members of the Senate:

This is to inform you that on May 11, 2006, the following bill was signed into law:

SB2607 SD1 HD1

A BILL FOR AN ACT RELATING TO  
TRANSFER OF APPEALS.  
(ACT 93)

Sincerely,

A handwritten signature in dark ink, appearing to read "Linda Lingle".

LINDA LINGLE

On MAY 11 2006THE SENATE  
TWENTY-THIRD LEGISLATURE, 2006  
STATE OF HAWAIIS.B. NO. 2607  
S.D. 1  
H.D. 1

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# A BILL FOR AN ACT

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RELATING TO TRANSFER OF APPEALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1       SECTION 1. Section 602-58, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§602-58 Application for transfer to the supreme court.**

4       (a) The [~~intermediate appellate~~] supreme court, in the manner  
5 and within the time provided by the rules of court, [~~may~~  
6 ~~entertain~~] shall grant an application [~~at any time before its~~  
7 ~~issuance of a decision requesting~~] to transfer [~~of an appeal~~]  
8 any case within the jurisdiction of the intermediate appellate  
9 court to the supreme court[-] upon the grounds that the case  
10 involves:

11       (1) A question of imperative or fundamental public  
12 importance;

13       (2) An appeal from a decision of any court or agency when  
14 appeals are allowed by law:

15       (A) Invalidating an amendment to the state  
16 constitution; or

17       (B) Determining a state statute, county ordinance, or  
18 agency rule to be invalid on the grounds that it



1           was invalidly enacted or is unconstitutional, on  
2           its face or as applied, under either the  
3           constitution of the State or the United States;

4           or

5       (3) A sentence of life imprisonment without the  
6       possibility of parole.

7       ~~[(b) The moving party shall state the grounds of the~~  
8 ~~application, indicating how the case on appeal involves a~~  
9 ~~question of such imperative or fundamental public importance as~~  
10 ~~to warrant a direct appeal to the supreme court.~~

11       ~~(e)]~~ (b) The supreme court, in a manner and within the  
12 time provided by the rules of court, may grant an application to  
13 transfer any case within the jurisdiction of the intermediate  
14 appellate court to the supreme court upon the grounds that the  
15 case involves:

16       (1) A question of first impression or a novel legal  
17       question; or

18       (2) Issues upon which there is an inconsistency in the  
19       decisions of the intermediate appellate court or of  
20       the supreme court.

21       (c) The [issuance] grant or denial of [a certificate] an  
22 application for transfer [to the supreme court] under subsection



1 (b) shall be discretionary [~~upon the intermediate appellate~~  
2 ~~court, and acceptance or rejection of such certification shall~~  
3 ~~be discretionary upon the supreme court. Neither the failure to~~  
4 ~~issue such certification by the intermediate appellate court nor~~  
5 ~~the rejection of such certification by the supreme court]~~ and  
6 shall not be subject to further review [~~and shall reinstate the~~  
7 ~~appeal to the intermediate appellate court]~~. Denial of an  
8 application for transfer under subsection (b) shall not  
9 prejudice a later application for a writ of certiorari."

10 SECTION 2. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on the effective  
13 date of sections 1 through 82 of Act 202, Session Laws of Hawaii  
14 2004.




GOVERNOR OF THE STATE OF HAWAII

Approved this day: MAY 11 2006

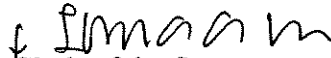
**THE SENATE OF THE STATE OF HAWAII**

Date: April 20, 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



President of the Senate

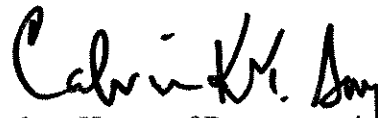


Clerk of the Senate


**THE HOUSE OF REPRESENTATIVES  
OF THE STATE OF HAWAII**

Date: April 07 , 2006  
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the House of Representatives of the Twenty-third Legislature of the State of Hawaii, Regular Session of 2006.



Speaker, House of Representatives



Clerk, House of Representatives