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## A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

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

1           SECTION 1. Section 803-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§803-9 Examination after arrest; rights of arrested**  
4 **person.** It shall be unlawful in any case of arrest for  
5 examination:

6           (1) To deny to the person so arrested the right of seeing,  
7 at reasonable intervals and for a reasonable time at  
8 the place of the person's detention, counsel or a  
9 member of the arrested person's family;

10          (2) To unreasonably refuse or fail to make a reasonable  
11 effort, where the arrested person so requests and  
12 prepays the cost of the message, to send a telephone,  
13 cable, or wireless message through a police officer or  
14 another than the arrested person to the counsel or  
15 member of the arrested person's family;

16          (3) To deny to counsel (whether retained by the arrested  
17 person or a member of the arrested person's family) or  
18 to a member of the arrested person's family the right



1 to see or otherwise communicate with the arrested  
 2 person at the place of the arrested person's detention  
 3 (A) at any time for a reasonable period for the first  
 4 time after the arrest, and (B) thereafter at  
 5 reasonable intervals and for a reasonable time;  
 6 (4) In case the person arrested has requested that the  
 7 person see an attorney or member of the person's  
 8 family, to examine the person before the person has  
 9 had a fair opportunity to see and consult with the  
 10 attorney or member of the person's family;  
 11 (5) To fail within [~~forty-eight~~] seventy-two hours of the  
 12 arrest of a person on suspicion of having committed a  
 13 crime either to release or to charge the arrested  
 14 person with a crime and take the arrested person  
 15 before a qualified magistrate for examination[-];  
 16 provided that calculation of the seventy-two hours  
 17 shall not include weekends and holidays."

18 SECTION 2. Statutory material to be repealed is bracketed  
 19 and stricken. New statutory material is underscored.

20 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: *Tony Wetz*

JAN 19 2007



**Report Title:**

Criminal Procedure; Initial Appearance

**Description:**

Extends from 48 to 72 hours the time within which a person arrested on suspicion of having committed a crime must either be released or charged and taken before a judge. Excludes weekends and holidays from computation of time.

