STAND. COM. REP. NO.



Honolulu, Hawaii

## APR 0.7 2017

RE: H.B. No. 301

> H.D. 1 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred H.B. No. 301, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO RESPONSE TO WRIT FOR CERTIORARI,"

begs leave to report as follows:

The purpose and intent of this measure is to require the Clerk of the Court to grant to a party a single extension of no more than fifteen days for filing with the Supreme Court a response to an application for writ of certiorari upon timely written request of the party; and clarify what constitutes a timely request for an extension.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu; Office of the Prosecuting Attorney, County of Kaua'i; Office of the Prosecuting Attorney, County of Hawai'i; and Department of the Prosecuting Attorney, County of Maui.

Your Committee finds that this measure ensures that a responding party to an application for writ of certiorari in civilor criminal cases is given equal opportunity to respond to an application.

Your Committee has amended this measure by:

2017-2371 SSCR SMA.doc

- (1) Replacing references to "opposition" with "response" for purposes of consistency;
- (2) Deleting the savings clause under section 2; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 301, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 301, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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

GILBERT S.C. KEITH-AGARAN, Chair

## The Senate Twenty-Ninth Legislature State of Hawai'i

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*  HB 301 HD1	Committee Referral: Date: 4/4/17				
The Committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)					
RHOADS, Karl (VC)					
GABBARD, Mike				/	
KIM, Donna Mercado					
THIELEN, Laura H.					
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TOTAL		4	0	0	(
Recommendation:  Adopted Not Adopted					
Chair's or Designee's Signature:					
<b>Distribution:</b> Original File with Committee Re	istribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Co				

<sup>\*</sup>Only one measure per Record of Votes