

JAN 19 2018

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# A BILL FOR AN ACT

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RELATING TO DISMISSAL OF CRIMINAL CASES.

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

1       SECTION 1. Chapter 806, Hawaii Revised Statutes, is  
2       amended by adding a new section to the part entitled  
3       "Dismissal", to be appropriately designated and to read as  
4       follows:

5       "§806-       Dismissal by court; court congestion. Except in  
6       the case of traffic offenses that are not punishable by  
7       imprisonment, the court shall, on motion of the defendant,  
8       dismiss the charge, with or without prejudice in its discretion,  
9       if trial is not commenced within six months, pursuant to rule  
10      48(b), (c), and (d) of the Hawaii rules of penal procedure;  
11      provided that any periods that delay the commencement of trial  
12      and are caused by congestion of the trial docket shall be  
13      excluded in computing the time for trial commencement."

14      SECTION 2. This Act does not affect rights and duties that  
15      matured, penalties that were incurred, and proceedings that were  
16      begun before its effective date.

17      SECTION 3. New statutory material is underscored.



# S.B. NO. 2175

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

*AMN. H.*  
By Request



# S.B. NO. 2175

**Report Title:**

Honolulu Prosecuting Attorney Package; Criminal Procedure;  
Dismissal; Court Congestion

**Description:**

Requires that trials for criminal cases commence within 6 months, except in cases where the delay is caused by court congestion.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

