

JAN 24 2018

A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

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

1 SECTION 1. Chapter 805, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§805- Trial; continuances. A defendant shall not
5 motion the court on the day of trial for a continuance unless a
6 special circumstance exists in which the court shall consider
7 the totality of the circumstances, including but not limited to
8 the following:

- 9 (1) A defendant's rights to a speedy and fair trial,
10 effective assistance of counsel, the right to confront
11 and cross-examine witnesses, and other rights
12 guaranteed by the Hawaii State Constitution and the
13 United States Constitution; and
14 (2) Any substantial adverse impact the time of trial may
15 have on the witness."



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

4 "§806- Trial; continuances. A defendant shall not
5 motion the court on the day of trial for a continuance unless a
6 special circumstance exists in which the court shall consider
7 the totality of the circumstances, including but not limited to
8 the following:

- 9 (1) A defendant's rights to a speedy and fair trial,
10 effective assistance of counsel, the right to confront
11 and cross-examine witnesses, and other rights
12 guaranteed by the Hawaii State Constitution and the
13 United States Constitution; and
14 (2) Any substantial adverse impact the time of trial may
15 have on the witness."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. New statutory material is underscored.

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S.B. NO. 3026

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Mait*

Rosalby de Baker

Jim DeLo

Michelle Kadani
Sty

Clarena A. Michiko

[Signature]



S.B. NO. 3026

Report Title:

Criminal Procedure; Trial; Continuances; District Court; Circuit Court

Description:

Prohibits a defendant from motioning the court on the day of trial for a continuance unless a special circumstance exists in which the court shall consider the totality of the circumstances.

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

