A BILL FOR AN ACT

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 be appropriately designated

3 and to read as follows:

4   "**§806-   Dismissal by court; court congestion.** On motion

5 of the defendant, the court shall dismiss the charge, with or

6 without prejudice in its discretion, if trial is not commenced

7 within six months, pursuant to rule 48(b), (c), or (d) of the

8 Hawaii rules of penal procedure; provided that any periods of

9 delay for the commencement of trial due to congestion of the

10 trial docket shall be excluded in computing the time for trial

11 commencement; provided further that this section shall not apply

12 to cases of traffic offenses that are not punishable by

13 imprisonment or criminal cases involving abuse of a family or

14 household member under section 709-906."

H.B. NO. 509

1   SECTION 2. This Act does not affect rights and duties that

2 matured, penalties that were incurred, and proceedings that were

3 begun before its effective date.

4   SECTION 3. New statutory material is underscored.

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

6

INTRODUCED BY: _____

By Request

JAN 1 8 2019

Report Title:
Honolulu Prosecuting Attorney Package; Criminal Procedure;
Dismissal; Court Congestion

Description:
Requires that trial commence within 6 months in all criminal
cases, pursuant to rule 48(b), (c), or (d) of the Hawaii rules
of penal procedure, provided that any periods that delay the
commencement of trial and are caused by court congestion shall
be excluded from the computation of time. Excludes from the
requirement certain traffic court cases and criminal cases
involving abuse of a family or household member.

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