

**ACT 109**

**H. B. NO. 2058-72**

**A Bill for an Act Relating to Crimes and Criminal Procedures, Amending Sections 709-4, 709-51, 711-96, and 747-17 of the Hawaii Revised Statutes.**

*Be It Enacted by the Legislature of the State of Hawaii.*

**SECTION 1.** Chapter 709 of the Hawaii Revised Statutes is amended as follows:

(a) Section 709-4 is amended by deleting from the sixth and seventh lines the words and punctuation “writ of error, exceptions, certiorari,”.

(b) Section 709-51 is amended by amending the first sentence to read as follows: “Whenever the court, in any criminal cause, forfeits any bond or recognizance given in a criminal cause, the court shall immediately enter up

judgment in favor of the State and against the principal or principals and surety or sureties on the bond, jointly and severally, for the full amount of the penalty thereof, and shall cause execution to issue thereon immediately after the expiration of ten days from the date of the entry of the judgment, unless before the expiration of ten days from the entry of the judgment a motion or application of the principal or principals, surety or sureties, or any of them, showing good cause why execution should not issue upon the judgment, is filed with the court.”

(c) Section 709-51 is further amended by deleting from the third and fourth lines of the last paragraph the words “and in each and every peace bond” and by deleting from the next to the last line and the last line the words and punctuation “bond, recognizance, or peace bond,” and inserting in lieu thereof the words and punctuation “bond or recognizance.”

SECTION 2. Chapter 711 of the Hawaii Revised Statutes is amended by amending section 711-96 to read as follows:

**“Sec. 711-96. Court proceedings; reports to county clerk.** Whenever in any circuit court, family court, or district court any citizen of eighteen years of age or over is:

- (1) Convicted of any felony;
- (2) By reason of insanity acquitted of any such crime; or
- (3) Adjudged insane or feebleminded or otherwise legally incompetent,

the clerk of the court shall in each case within ten days thereafter make and promptly transmit to the clerk of each county a certificate showing the fact of the conviction or adjudication and a sufficient identifying description of the citizen.”

SECTION 3. Chapter 747 of the Hawaii Revised Statutes is amended by amending section 747-17 by changing the word “Suit” in the caption to read “Action”; by inserting in the fourth line after the words “county attorney” the words and punctuation, “prosecuting attorney, or corporation counsel”; by deleting from the fourth line the words “a suit” and inserting in lieu thereof “an action”; by deleting from the sixth line the word “suit” and inserting in lieu thereof “action”; by deleting from the ninth line the words “or petitioner”; by deleting from the first line of the second paragraph the words “suit or”; by deleting from the second and third lines of the second paragraph the words “under sections 624-1 to 624-45”; by deleting from the fourth, fifth, and ninth lines of the second paragraph the words “or petitioner”; and by inserting in the ninth line of the second paragraph, preceding the word “plaintiff”, the word “the”.

SECTION 4. The amendments made by this Act shall not affect or repeal any other act passed at the same session of the legislature, and all such acts shall have full effect. So far as such acts conflict with any provision contained in this Act, they shall have the effect of subsequent acts.

SECTION 5. This Act upon its approval shall take effect on July 1, 1973.

(Approved May 23, 1972.)