

## ACT 148

H. B. NO. 2377-72

A Bill for an Act Relating to Appeal by State in Criminal Cases.

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

SECTION 1. Section 641-12 of the Hawaii Revised Statutes is amended to read as follows:

**“Sec. 641-12 By State in criminal cases.** An appeal may be taken by and on behalf of the State from the district or circuit courts direct to the supreme court in all criminal cases, in the following instances:

- (1) From an order or judgment quashing, setting aside, or sustaining a motion to dismiss, any indictment or information or any count thereof;
- (2) From an order or judgment, sustaining a special plea in bar, or dismissing the case where the defendant has not been put in jeopardy;
- (3) From an order granting a new trial;
- (4) From an order arresting judgment;
- (5) From a ruling on a question of law adverse to the State where the defendant was convicted and appeals from the judgment;
- (6) From the sentence, on the ground that it is illegal;
- (7) From a pre-trial order granting a motion for the suppression of evidence, including a confession or admission, or the return of property in which case the supreme court shall give priority to such an appeal and the order shall be stayed pending the outcome of the appeal;

provided that no appeal shall be taken by or allowed the State in any case where there has been a verdict in favor of the defendant.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 30, 1972.)

---

\*Edited accordingly.