

ACT 148

H.B. NO. 2467-74

A Bill for an Act Relating to Family Courts.

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

SECTION 1. Section 571-13, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 571-13 Retention of jurisdiction.** Except as provided in section 571-22, jurisdiction obtained by the court in the case of a child may be retained by it, for the purposes of this chapter, until he becomes eighteen years of age, unless judicially terminated prior thereto.”

SECTION 2. Section 571-22, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 571-22 Waiver of jurisdiction; transfer to other courts.** (a) The court may waive jurisdiction and order a minor or adult held for criminal proceedings after the full investigation and hearing where the person during

his minority, but on or after his sixteenth birthday, is alleged to have committed an act which would constitute a felony if committed by an adult, and the court finds there is no evidence the person is committable to an institution for the mentally defective or retarded or the mentally ill, is not treatable in any available institution or facility within this State designed for the care and treatment of children, or that the safety of the community requires that the person continue under judicial restraint for a period extending beyond his minority.

(b) Transfer of a child sixteen years or older for criminal proceedings terminates the jurisdiction of the court over the child with respect to any subsequent acts which would otherwise be within the court's jurisdiction under section 571-11(1) and thereby confers jurisdiction over him to a court of competent criminal jurisdiction.

(c) If criminal proceedings instituted under subsections (a) and (b) of this section result in an acquittal or other discharge of the minor involved, no petition shall thereafter be filed in any family court based on the same facts as were alleged in the criminal proceeding.

(d) A minor shall not be subject to criminal prosecution based on the facts giving rise to a petition filed under this chapter except as provided for in this section.

(e) Where the petition has been filed in a circuit other than the minor's residence, the judge may in his discretion transfer the case to the family court of the circuit of the minor's residence.

(f) When a petition is filed bringing a minor before the court under section 571-11(1) and (2), and the minor resides outside of the circuit, but within the State, the court may after a finding as to the allegations in the petition certify the case for disposition to the family court having jurisdiction where the minor resides. Thereupon, such court shall accept the case and may dispose of the case as if the petition was originally filed in that court. Whenever a case is so certified, the certifying court shall forward to the receiving court certified copies of all pertinent legal and social records."

SECTION 3. 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 June 4, 1974.)

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\*Edited accordingly.