

A Bill for an Act Relating to Complaints.

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

SECTION 1. Section 805-1, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 805-1 Complaint; form of warrant. When a complaint is made to any prosecuting officer of the commission of any offense, he shall examine the complainant, shall reduce the substance of the complaint to writing, and cause the same to be subscribed by the complainant under oath, which he is hereby authorized to administer. If the original complaint results from the issuance of a traffic summons or a citation in lieu of an arrest pursuant to section 803-6, by a police officer, the oath may be administered by any police officer whose name has

been submitted to the prosecuting officer and who has been designated by the chief of police to administer the oath. Upon presentation of the written complaint to the judge within whose circuit the offense is alleged to have been committed the judge shall issue his warrant, reciting the complaint and requiring the sheriff, or other officer to whom it is directed (except as provided in section 805-3), forthwith to arrest the accused and bring him before the judge to be dealt with according to law; and in the same warrant may require the officer to summon such witnesses as are named therein to appear and give evidence at the trial. The warrant may be in the following form:

To any police officer of the judicial circuit, island of, State of Hawaii:

You are hereby commanded, on the information of verified by oath, forthwith to arrest and take the body of accused of if he can be found, and forthwith have his body before me at the district courtroom of at any time between the hours of A.M. and P.M. of the day of A.D. 19. . . . (to answer to the said accusations, or to show cause why he should not be committed for trial at the circuit court of the Judicial Circuit). And you are also commanded, having arrested the said to summon as witnesses of accusation if they can be found, and to make due return of your proceedings upon this writ.

Given under my hand this day of, A.D. 19. . . .

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Judge

District Court of the Circuit.”

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 Statutory material to be repealed is bracketed.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 June 5, 1978.)

*Edited accordingly.