

## ACT 101

S.B. NO. 2624-82

A Bill for an Act Relating to the Grand Jury Counsel.

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

SECTION 1. The legislature finds that it was their intention, in providing for grand jury counsels, to aid the judicial processes of the State by permitting counsel to the grand jury when necessary. It was never intended that this provision should cause extensive delays in the judicial procedures nor that it specifically hamper the prosecution. It is the purpose of this Act, therefore, to clarify the law and to assure that it operates in a manner that will help the judicial system in the cause of justice rather than add undue obstacles and hardships.

SECTION 2. Section 612-57, Hawaii Revised Statutes, is amended to read as follows:

**“[[§612-57]] Grand jury counsel; duties.** The grand jury counsel shall serve, upon request of the grand jury, as independent legal counsel to the grand jury, to be at the [disposal] call of the grand jury during its proceedings in obtaining appropriate advice on matters of law after the grand jury has been sworn and charged by the court under section 612-16(d) and during the court’s absence. The grand jury counsel may be present during grand jury proceedings, and if not present in the building shall be in the immediate vicinity to the building in which the grand jury meets, so that counsel will be readily available to the grand jury, but shall not participate in the questioning of the witnesses or the prosecution. The grand jury counsel’s function shall be only to receive inquiries on matters of law sought by the grand jury, conduct legal research, and provide appropriate answers[.] of law.”

SECTION 3. Section 612-58, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) Each grand jury proceeding conducted under the authority of the State

shall be provided with access to a grand jury counsel.”

SECTION 4. Chapter 612, Part II, Hawaii Revised Statutes, is amended by adding a new section to read as follows:

“§612-60 **Grand jury counsel; court review.** If the court finds that the grand jury counsel has provided the grand jury erroneous counsel or has acted improperly, the court may require that the grand jury be given the corrected advice or shall be advised as to improper action, and shall then continue the case.”

SECTION 5. Statutory material to be repealed is bracketed. New material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval.

(Approved May 19, 1982.)

**Notes**

1. Edited pursuant to HRS §23G-16.5.