

ACT 291

H.B. NO. 1729-86

A Bill for an Act Relating to Civil Remedies and Defenses and Special Proceedings.

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

SECTION 1. Section 651-1, Hawaii Revised Statutes, is amended to read as follows:

“§651-1 General provisions. This part shall apply to circuit and district courts. A judge of any court of record may make any order at chambers which may by the provisions of this part [may] be made by the court in term time. When the proceedings are before a district judge, the

judge shall be regarded as the clerk of the court for all purposes contemplated herein. The phrase "police officer," as used in this part, means the sheriff of the State or [his] the sheriff's deputy, and any chief of police or subordinate police officer [by him] duly authorized by the sheriff. Nothing in this part shall be construed to permit a district judge to issue a writ of attachment to be served out of the circuit in which [his] such judge's [[]court[]] is situated, or to permit an attachment of real estate, or any interest therein, under a writ issued by a district court judge."

SECTION 2. Section 651-6, Hawaii Revised Statutes, is amended to read as follows:

"**§651-6 Action on bond.** In an action on the bond [the] a plaintiff may recover, if [he] the plaintiff shows that the attachment was wrongfully sued out, the actual damages sustained and reasonable attorney's fees [of not more than \$50 in any case], to be fixed by the court. If it is shown that the attachment was sued out maliciously, [he] the plaintiff may recover exemplary damages. No action shall be maintained on any bond until after final judgment in the action, unless the same is discontinued or dismissed."

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 4. This Act shall take effect upon its approval.

(Approved May 30, 1986.)