

ACT 147

S.B. NO. 597

A Bill for an Act Relating to Courts.

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

SECTION 1. Section 806-6, Hawaii Revised Statutes, is amended to read as follows:

“§806-6 Use of; furnishing of copy. In all cases of offenses against the laws of the State[,] brought in the first instance in a court of record, the accused shall be arraigned and prosecuted upon an information, complaint, or indictment[,] as soon after the commitment of the offense of which he is accused as may be expedient.

In all cases of felony the defendant shall be furnished before arraignment with a copy of the complaint or indictment found against him.”

SECTION 2. Section 806-7, Hawaii Revised Statutes, is amended to read as follows:

“§806-7 Preparation of indictment, complaint, or information; true bill by grand jury. Informations, complaints, and indictments shall be duly prepared by a legal prosecuting officer. Every indictment shall be duly found by a grand jury before the arraignment of the accused, and when so found shall be indorsed a true bill, and the indorsement shall be signed by the foreman.”

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SECTION 3. Section 806-8, Hawaii Revised Statutes, is amended to read as follows:

“§806-8 Prosecution where indictment not essential. In criminal cases brought in the first instance in a court of record, but in which the accused may be held to answer without an indictment by a grand jury, the legal prosecutor may arraign and prosecute the accused upon [either] an information, complaint, or an indictment at the prosecutor’s election; and in all criminal cases brought in the first instance in a court of record the prosecutor may arraign and prosecute the accused by information, complaint, or indictment, as the case may be, whether there has been a previous examination, or commitment for trial by a judge, or not.”

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 5. This Act shall take effect upon its approval.

(Approved May 22, 1991.)