

ACT 190

S.B. NO. 617

A Bill for an Act Relating to Criminal Offenses.

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

SECTION 1. The judicial council of Hawaii, established pursuant to section 601-4, Hawaii Revised Statutes, shall convene a task force to engage in a comprehensive review of criminal charging procedures for the purpose of recommending to the legislature amendments, if any, to existing procedures.

The task force shall serve without compensation and its membership shall be a balanced representation of interested parties in the community. The task force shall include but not be limited to representatives of:

- (1) The judiciary;

- (2) The department of the attorney general;
- (3) The departments of the county prosecuting attorneys;
- (4) The office of the public defender;
- (5) The county police departments;
- (6) Private citizens interested in criminal law and civil liberties; and
- (7) Attorneys in private practice involving the criminal law.

In addition to a review of existing criminal charging procedures in Hawaii, the task force shall review:

- (1) Differing charging procedures throughout the nation;
- (2) Applicable state statutes and rules from jurisdictions other than Hawaii;
- (3) Cost factors involved with various charging procedures used in other jurisdictions;
- (4) Evaluations of statutes and charging procedures and the anticipated impact of enacting similar laws in Hawaii; and
- (5) Other relevant issues as deemed appropriate for discussion by the task force.

Findings shall provide the legislature with factual information, the national experience, and “best practices” for the purpose of assisting the legislature in determining and developing the most appropriate criminal charging procedures for Hawaii. Findings shall specifically include but are not limited to:

- (1) A compilation of the relevant Hawaii statutes and rules;
- (2) A compilation of the number of cases in each circuit of Hawaii affected by the proposed change in charging procedure;
- (3) A compilation of statutes and charging practices in other jurisdictions; and
- (4) An evaluation of statutes and charging practices and their impact on the administration of justice.

The task force shall report its findings and recommendations to the legislature no later than twenty days before the convening of the regular session of 2004.

SECTION 2. This Act shall take effect upon its approval.

(Approved June 17, 2003.)