

ACT 13

H.B. NO. 1204

A Bill for an Act Relating to Criminal Procedure.

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

SECTION 1. Section 803-6, Hawaii Revised Statutes, is amended by amending subsections (c) and (d) to read as follows:

“(c) The citation shall contain:

- (1) ~~[Name]~~ The name and current address of the offender;
- (2) ~~[Social]~~ The last four digits of the offender’s social security number;
- (3) ~~[Description]~~ A description of the offender;
- (4) ~~[Nature]~~ The nature of the offense;
- (5) ~~[Time]~~ The time and date[;] of the offense;
- (6) ~~[Notice]~~ A notice of time and date for court appearance;
- (7) ~~[Signature]~~ The signature and badge number of the officer ~~[Badge]~~;
- (8) ~~[Signature]~~ The signature of the offender agreeing to court appearance;
- (9) ~~[Remarks]~~ Any remarks; and
- (10) ~~[Notice-you are hereby directed]~~ A notice directing the offender to appear at the time and place designated ~~[above]~~ to stand trial for the offense indicated ~~[-A]~~ and a notice that failure to obey ~~[this]~~ the citation may result in a fine or imprisonment, or both.

(d) Where a citation has been issued in lieu of the requirements of subsection (a) ~~[above]~~, the officer who issues the summons or citation may subscribe to the complaint ~~[under oath]~~:

- (1) Under oath 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~~[-]~~; or
- (2) By declaration in accordance with the rules of court.”

SECTION 2. Section 805-1, Hawaii Revised Statutes, is amended to read as follows:

“**§805-1 Complaint; form of warrant.** When a complaint is made to any prosecuting officer of the commission of any offense, the prosecuting officer shall examine the complainant, shall reduce the substance of the complaint to writing, and shall cause the ~~[same]~~ complaint to be subscribed by the complainant under oath, which the prosecuting officer is hereby authorized to administer~~[-]~~, or the complaint shall be made by declaration in accordance with the rules of court. 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~~[-]~~, or the complaint may be submitted by declaration in accordance with the rules of court. Upon presentation of the written complaint to the judge ~~[within]~~ in whose circuit the offense ~~[is alleged to have]~~ allegedly has been committed, the judge shall issue a warrant, reciting the complaint and requiring the sheriff, or other officer to whom it is directed ~~[(except as provided in section 805-3), forthwith]~~, except as provided in

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section 805-3, to arrest the accused and to bring the accused before the judge to be dealt with according to law; and in the same warrant the judge may require the officer to summon such witnesses as are named [~~therein~~] in the warrant to appear and give evidence at the trial. The warrant may be in the form established by the usage and practice of the issuing court.”

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

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

(Approved April 9, 2007.)