

ACT 2

H.B. NO. 1541

A Bill for an Act Relating to Criminal Complaints.

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

SECTION 1. 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]~~ review the ~~[complainant, shall]~~ evidence, reduce the substance of the complaint to writing, and ~~[shall]~~ cause the complaint to be ~~[subscribed]~~:

- (1) Subscribed by the complainant under oath, which the prosecuting officer is hereby authorized to administer~~[-; or the complaint shall be made];~~
- (2) Made by declaration in accordance with the rules of court~~[-]; or~~
- (3) Signed by the prosecuting officer.

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 in whose circuit the offense 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, 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 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 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

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 Statutory material to be repealed is bracketed and stricken.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 March 28, 2022.)