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# A BILL FOR AN ACT

RELATING TO TRANSFER OF APPEALS.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 602-58, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§602-58 Application for transfer to the supreme court.**

4 (a) The [~~intermediate appellate~~] supreme court, in the manner  
5 and within the time provided by the rules of court, may  
6 entertain an application [~~at any time before its issuance of a~~  
7 ~~decision requesting~~] to transfer [of an appeal] any case within  
8 the jurisdiction of the intermediate appellate court to the  
9 supreme court[.] upon grounds that the case involves the  
10 following:

11           (1) A question of imperative or fundamental public  
12 importance;

13           (2) An appeal from a decision of any court or agency when  
14 appeals are allowed by law:

15           (A) Invalidating an amendment to the state  
16 constitution; or

17           (B) Determining a state statute, county ordinance, or  
18 agency rule to be invalid on the grounds that it



1                    was invalidly enacted or is unconstitutional, on  
2                    its face or as applied, under either the  
3                    constitution of the State or the United States;  
4                    or

5            (3) A sentence of life imprisonment without the  
6            possibility of parole.

7            ~~[(b) The moving party shall state the grounds of the~~  
8            ~~application, indicating how the case on appeal involves a~~  
9            ~~question of such imperative or fundamental public importance as~~  
10           ~~to warrant a direct appeal to the supreme court.~~

11           ~~(c)]~~ (b) The ~~[issuance]~~ grant or denial of ~~[a certificate]~~  
12           an application for transfer ~~[to the supreme court]~~ shall be  
13           discretionary ~~[upon the intermediate appellate court, and~~  
14           ~~acceptance or rejection of such certification shall be~~  
15           ~~discretionary upon the supreme court. Neither the failure to~~  
16           ~~issue such certification by the intermediate appellate court nor~~  
17           ~~the rejection of such certification by the supreme court]~~ and  
18           shall not be subject to further review ~~[and shall reinstate the~~  
19           ~~appeal to the intermediate appellate court]."~~

20           SECTION 2. Statutory material to be repealed is bracketed  
21           and stricken. New statutory material is underscored.



1 SECTION 3. This Act shall take effect on July 1, 2006.

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INTRODUCED BY:

Calvin K. Boy

BY REQUEST

JAN 23 2006



HB 2481

**Report Title:**

Judicial Appeal; Transfer of Cases from ICA to Supreme Court

**Description:**

Authorizes the supreme court to entertain an application to transfer any case within the jurisdiction of the intermediate appellate court to the supreme court; specifies grounds for transfer.

