
A BILL FOR AN ACT

RELATING TO CHAPTER 803, HAWAII REVISED STATUTES.

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

1 SECTION 1. Section 803-9, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§803-9 Examination after arrest; rights of arrested**
4 **person.** It shall be unlawful in any case of arrest for
5 examination:

6 (1) To deny to the person so arrested the right of seeing,
7 at reasonable intervals and for a reasonable time at
8 the place of the person's detention, counsel or a
9 member of the arrested person's family;

10 (2) To unreasonably refuse or fail to make a reasonable
11 effort, where the arrested person so requests and
12 prepays the cost of the message, to send a telephone,
13 cable, or wireless message through a police officer or
14 another than the arrested person to the counsel or
15 member of the arrested person's family;

16 (3) To deny to counsel (whether retained by the arrested
17 person or a member of the arrested person's family) or
18 to a member of the arrested person's family the right



1 to see or otherwise communicate with the arrested
2 person at the place of the arrested person's detention
3 (A) at any time for a reasonable period for the first
4 time after the arrest, and (B) thereafter at
5 reasonable intervals and for a reasonable time;

6 (4) In case the person arrested has requested that the
7 person see an attorney or member of the person's
8 family, to examine the person before the person has
9 had a fair opportunity to see and consult with the
10 attorney or member of the person's family;

11 (5) To fail within [~~forty-eight~~] seventy-two hours of the
12 arrest of a person on suspicion of having committed a
13 crime either to release or to charge the arrested
14 person with a crime and take the arrested person
15 before a qualified magistrate for examination[-];
16 provided that calculation of the seventy-two hours
17 shall not include weekends and holidays."

18 SECTION 2. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun, before its effective date.

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 Statutory material to be repealed is bracketed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

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

2

INTRODUCED BY:

Calvin K. Ho

BY REQUEST

JAN 23 2000



Report Title:

Arrest; Decision to Charge or Release

Description:

Extends from 48 hours to 72 hours the time within which police must decide to charge arrested person and bring the person to court or to release the person. Excludes weekends and holidays for calculation of the 72 hour period.

