

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2609
S.D. 1

A BILL FOR AN ACT

RELATING TO WRIT OF CERTIORARI.

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

1 SECTION 1. Section 602-59, Hawaii Revised Statutes, is
2 amended by amending subsections (a), (b), and (c) to read as
3 follows:

4 "(a) After issuance of the intermediate appellate court's
5 judgment [7] or dismissal order, a party may seek review of the
6 intermediate appellate court's decision and judgment or
7 dismissal order only by application to the supreme court for a
8 writ of certiorari, the acceptance or rejection of which shall
9 be discretionary upon the supreme court.

10 (b) The application for writ of certiorari shall tersely
11 state its grounds [7], which shall include:

- 12 (1) Grave errors of law or of fact; or
13 (2) Obvious inconsistencies in the decision of the
14 intermediate appellate court with that of the supreme
15 court, federal decisions, or its own decision,
16 and the magnitude of those errors or inconsistencies dictating
17 the need for further appeal.



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1 (c) An application for writ of certiorari may be filed
2 with the supreme court no later than [~~thirty~~] ninety days after
3 the filing of the [~~decision~~] judgment or dismissal order of the
4 intermediate appellate court. Opposition to an application for
5 a writ of certiorari may be filed no later than fifteen days
6 after the application is filed. The supreme court shall
7 determine to accept the application within thirty days after an
8 objection is or could have been filed. The failure of the
9 supreme court to accept within thirty days shall constitute a
10 rejection of the application."

11 SECTION 2. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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



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Report Title:

Writ of Certiorari; Filing Requirements

Description:

Clarifies the required grounds for an application for a writ of certiorari and the requirements for timely filing. (SD1)

