

Honolulu, Hawaii

F248, 2006

RE: H.B. No. 1983
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 1983 entitled:

"A BILL FOR AN ACT RELATING TO THE JUDICIARY,"

begs leave to report as follows:

The purpose of this bill is to preserve the rights of litigants for the duration of a civil defense emergency proclaimed by the Governor, by authorizing the Chief Justice of the Hawaii Supreme Court to order the suspension, tolling, extension, or granting of relief from deadlines, time schedules, or filing requirements imposed in civil, criminal, and administrative cases. In addition, this bill:

- (1) Limits the duration of the Chief Justice's order to 30 days, which may be extended by up to two 30-day periods;
- (2) Requires the Chief Justice to give notice of the order to all affected parties, their counsel, and the public; and
- (3) Provides for appeals by persons adversely affected by the Chief Justice's order.

The Judiciary testified in support of this bill. The Consumer Lawyers of Hawaii supported the intent of this measure.



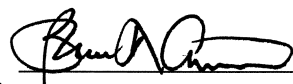
Your Committee notes that concerns were raised over whether this bill may have a limiting effect upon the existing powers of the Hawaii Supreme Court to promulgate rules and regulations relating to court process, practice, procedure, and appeals in all civil and criminal cases under Article VI, Section 7 of the Hawaii State Constitution, and to prevent and correct errors in all courts of inferior jurisdiction where no other remedy is expressly provided by law under section 602-4, Hawaii Revised Statutes (HRS).

Your Committee has amended this bill by:

- (1) Clarifying that the provisions of this bill apply to periods of civil defense emergency proclaimed by the Governor under section 128-7, HRS;
- (2) Specifying that the Chief Justice, as deemed necessary, may modify or extend the 30-day time limit set for the order of suspension of court deadlines during periods of civil defense emergency;
- (3) Changing the effective date to January 1, 2020, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for clarity and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1983, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1983, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,


for SYLVIA LUKE, Chair



