

Honolulu, Hawaii

Feb. 17

, 2006

RE: S.B. No. 2609
S.D. 1

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2609 entitled:

"A BILL FOR AN ACT RELATING TO WRIT OF CERTIORARI,"

begs leave to report as follows:

The purpose of this measure is to clarify the required grounds for an application for a writ of certiorari and the requirements for timely filing.

Your Committee received testimony in support of this measure from the Judiciary and the Attorney General. The Office of the Public Defender provided testimony in support of the measure with amendments. The Hawaii Appellate Review Task Force submitted comments on the measure.

This measure is based upon a recommendation by the Hawaii Appellate Review Task Force to the Judiciary. The bill clarifies that an application for a writ of certiorari may be filed after entry of the Intermediate Appellate Court's judgment or order of dismissal. The bill also retains the traditional grounds for an application for a writ of certiorari.

Your Committee determined that an extension of the period of time for which an appellant may file a writ of certiorari would provide the court with additional time to handle a possible increase in the number and complexity of writs that are filed. Under Rule 13.1 of the Rules of the Supreme Court of the United

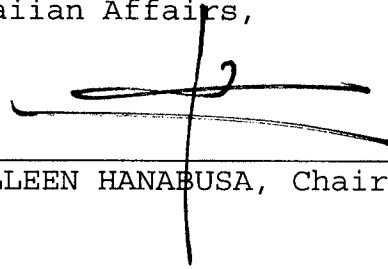


States, an appellant has ninety days after the entry of the judgment to file a writ of certiorari.

Based on the above, your Committee has amended this measure to extend the period of time during which an appellant may file a writ of certiorari from thirty days to ninety days.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2609, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2609, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Hawaiian Affairs,



COLLEEN HANABUSA, Chair



