



The Senate
State of Hawaii

STATE CAPITOL

HONOLULU, HAWAII 96813

February 6, 2006

TO: Members of the Senate Committee on Judiciary and Hawaiian Affairs
FROM: Sen. Colleen Hanabusa, Chair ~~_____~~
SUBJECT: Chair's inclinations for decision making on Wednesday, February 8, 9:00 a.m.

The following measures were previously heard on Friday, February 3:

Bill NO.	Description	Referral
SB 2596	RELATING TO THE INTERMEDIATE APPELLATE COURT. Replaces statutory references to "intermediate appellate court" with references to "court of appeals", contingent upon ratification of a related constitutional amendment. Chair's inclination: Pass As Is	JHW
SB 2597	RELATING TO APPELLATE JURISDICTION. Clarifies the intermediate appellate court's jurisdiction over appeals from any court or agency when appeals are allowed by law. Authorizes the ICA to issue any necessary or appropriate order or writ. Chair's inclination: Pass As Is	JHW
SB 2599	RELATING TO APPEALS. Establishes intermediate court of appeals' jurisdiction in appellate cases related to geothermal resource subzone designations, income taxes, access to correctional facilities and records, and barbering and cosmetology licensure. Clarifies the requirement for payment of appellate filing fees. Chair's inclination: Pass As Is	JHW
SB 2604	RELATING TO INTERMEDIATE APPELLATE COURT PANELS. Removes chief judge's discretion in assignment of judges to intermediate appellate court's three-judge panels. Chair's inclination: Pass As Is	JHW
SB 2605	RELATING TO INTERMEDIATE APPELLATE COURT PANELS. Expand the Chief Justice's authority to assign circuit judges to service on the Intermediate Court of Appeals. Chair's inclination: Hold	JHW

SB 2607 RELATING TO TRANSFER OF APPEALS. JHW
 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.
Chair's inclination: SD1 – Require the supreme court to grant an application for transfer in cases involving 1) a question of imperative or fundamental public importance, 2) decisions invalidating an amendment to the state constitution, statute, county ordinance, or agency rule, and 3) a sentence of life imprisonment without the possibility of parole. Provide the supreme court discretion to grant an application for transfer in cases involving 1) a question of first impression or novel legal question and 2) a case involving issues upon which there is an inconsistency in the decisions of the intermediate appellate court or of the supreme court.

SB 2609 RELATING TO WRIT OF CERTIORARI. JHW
 Clarifies the required grounds for an application for a writ of certiorari and the requirements for timely filing.
Chair's inclination: SD1 – Incorporate the amendment suggested by the Office of the Public Defender to increase the time for filing for a writ of certiorari from 30 days to 90 days and make technical, non-substantive amendments.

SB 2610 PROPOSING AN AMENDMENT TO THE HAWAII CONSTITUTION RELATING TO CHANGING THE NAME OF THE INTERMEDIATE APPELLATE COURT. JHW
 Proposes constitutional amendment to change the name of the intermediate court of appeals to the court of appeals.
Chair's inclination: SD1 – Technical, non-substantive amendments.

The following measures were previously heard on Monday, February 6:

Bill NO. SB 2591	Description RELATING TO APPEALS. Eliminates the requirement for a motion for reconsideration from the appellate process for child protective cases. Chair's inclination: Pass As Is	Referral JHW
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SB 2593	RELATING TO COURT FEES. Exempts court proceedings under the Child Protective Act from court fees. Chair's inclination: Pass As Is	JHW, WAM
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SB 2598	RELATING TO FEES FOR ELECTRONIC FILING, SIGNING, SERVING, CERTIFICATION, AND VERIFICATION OF COURT DOCUMENTS. Extends sunset date for deposits of fees for electronic filing, signing, serving, certification, and verification of court documents into judiciary computer system special fund from 6/30/07 to 12/31/08. Chair's inclination: Pass As Is	JHW, WAM
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SB 2600	<p>RELATING TO ELECTRONIC COURT RECORDS, DOCUMENTS, PROCESSES, AND CERTIFICATES.</p> <p>Clarifies that court process records or documents may be created, retained and stored electronically and converted to electronic form; clarifies the requirements for court seals; and allows court documents and records to be electronically signed and sealed.</p> <p>Chair's inclination: Defer to Friday, February 10, 2006 at 9:00 am in CR 229</p>	JHW
SB 2601	<p>RELATING TO DOCUMENTS SEALED UPON FILING.</p> <p>Requires certain documents to be sealed upon filing in any action or proceeding in the circuit court having jurisdiction in matters relating to the affairs of decedents. Effective 01/01/07.</p> <p>Chair's inclination: Pass As Is</p>	JHW
SB 2602	<p>RELATING TO ADULT PROBATION RECORDS.</p> <p>Adds persons and entities that are allowed access to adult probation records.</p> <p>Chair's inclination: Defer to Friday, February 10, 2006 at 9:00 am in CR 229</p>	JHW
SB 2603	<p>RELATING TO MOTOR VEHICLE INSURANCE.</p> <p>Provides district court judges with discretion to impose a term of imprisonment for first offenses of motor vehicle insurance laws.</p> <p>Chair's inclination: Defer to Friday, February 10, 2006 at 9:00 am in CR 229</p>	JHW
SB 2606	<p>RELATING TO BAIL.</p> <p>Deposits unclaimed bail money to the director of finance of the State.</p> <p>Chair's inclination: Defer to Friday, February 10, 2006 at 9:00 am in CR 229</p>	JHW, WAM
SB 2608	<p>RELATING TO GUARDIAN AND PROTECTIVE PROCEEDINGS.</p> <p>Clarifies that provisions of Act 161, SLH 2004, relating to guardianship and protective proceedings, do not affect actions brought or rights accrued prior to January 1, 2005.</p> <p>Chair's inclination: Pass As Is</p>	JHW
SB 2611	<p>RELATING TO VEXATIOUS LITIGANTS.</p> <p>Expands scope of vexatious litigants law to prohibit and sanction the vexatious conduct of all parties.</p> <p>Chair's inclination: Defer to Friday, February 10, 2006 at 9:00 am in CR 229</p>	JHW