
A BILL FOR AN ACT

RELATING TO APPEALS.

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

1 SECTION 1. Section 641-16, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§641-16 Judgment; no reversal when.** (a) The supreme
4 court, or the intermediate appellate court, as the case may be,
5 may affirm, reverse, or modify the order, judgment, or sentence
6 of the trial court in a criminal matter. It may enter [~~such~~]
7 the order, judgment, or sentence, or may remand the case to the
8 trial court for the entry of the same or for [~~such~~] other or
9 further proceedings, as in its opinion the facts and law
10 warrant. It may correct any error appearing on the record.

11 (b) In case of a conviction and sentence in a criminal
12 case, if in its opinion the sentence is illegal or excessive, it
13 may correct the sentence to correspond with the verdict or
14 finding or reduce the same, as the case may be. In case of a
15 sentence to imprisonment for life not subject to parole, the
16 court shall review the evidence to determine if the interests of
17 justice require a new trial, whether the insufficiency of the
18 evidence is alleged as error or not. Any order, judgment, or



1 sentence entered by the court may be enforced by it or remitted
2 for enforcement by the trial court.

3 (c) No order, judgment, or sentence shall be reversed or
4 modified unless the court is of the opinion that error was
5 committed [~~which~~] that injuriously affected the substantial
6 rights of the appellant. Nor shall there be a reversal in any
7 criminal case for any defect of form merely in any indictment or
8 information or for any matter held for the benefit of the
9 appellant or for any finding depending on the credibility of
10 witnesses or the weight of the evidence. Except as otherwise
11 provided by the rules of court, there shall be no reversal for
12 any alleged error in the admission or rejection of evidence [~~or~~
13 ~~the giving of or refusing to give an instruction to the jury]~~
14 unless [~~such~~] the alleged error was made the subject of an
15 objection noted at the time it was committed or brought to the
16 attention of the court in another appropriate manner.

17 (d) Any other statute or rule to the contrary
18 notwithstanding, there shall be no reversal for any alleged
19 error in the giving of or the refusal to give, or the
20 modification of, an instruction to the jury, and neither the
21 supreme court, the intermediate court of appeals, nor any other



1 court shall have jurisdiction to consider such an alleged error,
2 unless the alleged error was:
3 (1) Made the subject of an objection at the time it was
4 committed; or
5 (2) Brought to the attention of the court in another
6 appropriate manner,
7 before the jury had retired to consider its verdict; except that
8 a court may consider the alleged error if the alleged error
9 seriously affected the fairness, integrity, or public reputation
10 of the trial and more likely than not affected the outcome of
11 the trial."

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

14 SECTION 3. This Act shall take effect on January 1, 2050.



Report Title:

Conviction Reversals.

Description:

Clarifies the limited instances where a court may reverse a conviction for any alleged error in the giving or the refusal to give, or the modification of, an instruction to the jury in a criminal matter. Effective date of January 1, 2050. (HB1249 HD1)

