

JAN 22 2007

A BILL FOR AN ACT

RELATING TO CRIMINAL PROCEDURE.

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

- 1 SECTION 1. Section 803-6, Hawaii Revised Statutes, is
2 amended by amending subsections (c) and (d) to read as follows:
- 3 "(c) The citation shall contain:
- 4 (1) [~~Name~~] The name and current address of the offender;
- 5 (2) [~~Social~~] The last four digits of the offender's social
6 security number;
- 7 (3) [~~Description~~] A description of the offender;
- 8 (4) [~~Nature~~] The nature of the offense;
- 9 (5) [~~Time~~] The time and date[+] of the offense;
- 10 (6) [~~Notice~~] A notice of time and date for court
11 appearance;
- 12 (7) [~~Signature~~] The signature and badge number of the
13 officer [~~(+badge)~~];
- 14 (8) [~~Signature~~] The signature of the offender agreeing to
15 court appearance;
- 16 (9) [~~Remarks+~~] Any remarks; and
- 17 (10) [~~Notice you are hereby directed~~] A notice directing
18 the offender to appear at the time and place



1 designated [~~above~~] to stand trial for the offense
2 indicated [~~—A~~] and a notice that failure to obey
3 [~~this~~] the citation may result in a fine or
4 imprisonment, or both.

5 (d) Where a citation has been issued in lieu of the
6 requirements of subsection (a) [~~above~~], the officer who issues
7 the summons or citation may subscribe to the complaint [~~under~~
8 ~~oath~~]:

9 (1) Under oath administered by any police officer whose
10 name has been submitted to the prosecuting officer and
11 who has been designated by the chief of police to
12 administer the oath [~~—~~]; or

13 (2) By declaration in accordance with the rules of court."

14 SECTION 2. Section 805-1, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§805-1 Complaint; form of warrant.** When a complaint is
17 made to any prosecuting officer of the commission of any
18 offense, the prosecuting officer shall examine the complainant,
19 shall reduce the substance of the complaint to writing, and
20 shall cause the [~~same~~] complaint to be subscribed by the
21 complainant under oath, which the prosecuting officer is hereby
22 authorized to administer [~~—~~], or the complaint shall be made by



1 declaration in accordance with the rules of court. If the
2 original complaint results from the issuance of a traffic
3 summons or a citation in lieu of an arrest pursuant to section
4 803-6, by a police officer, the oath may be administered by any
5 police officer whose name has been submitted to the prosecuting
6 officer and who has been designated by the chief of police to
7 administer the oath~~[-]~~, or the complaint may be submitted by
8 declaration in accordance with the rules of court. Upon
9 presentation of the written complaint to the judge [~~within~~] in
10 whose circuit the offense [~~is alleged to have~~] allegedly has
11 been committed, the judge shall issue a warrant, reciting the
12 complaint and requiring the sheriff, or other officer to whom it
13 is directed [~~(except as provided in section 805-3), forthwith]~~,
14 except as provided in section 805-3, to arrest the accused and
15 to bring the accused before the judge to be dealt with according
16 to law; and in the same warrant the judge may require the
17 officer to summon such witnesses as are named [~~therein~~] in the
18 warrant to appear and give evidence at the trial. The warrant
19 may be in the form established by the usage and practice of the
20 issuing court."

21 SECTION 3. Statutory material to be repealed is bracketed
22 and stricken. New statutory material is underscored.

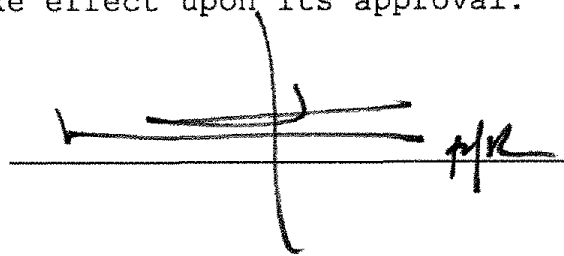


S.B. NO. 1520

1 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Criminal Procedure; Arrest Citations; Traffic Crime Complaints

Description:

Eliminates requirement that arrest citations contain an offender's full social security number. Authorizes verification of arrest citation and traffic crime complaint by declaration in accordance with rules of court.

