THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII S.B. NO. 1635

JAN 2 4 2007

A BILL FOR AN ACT

RELATING TO GRAND JURIES.

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

| 1 | SECT | ION 1. Section 612-16, Hawaii Revised Statutes, is |
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| 2 | amended b | y amending subsection (e) to read as follows: |
| 3 | "(e) | [For the courts of the first circuit of the State |
| 4 | from Janu | ary 1, 1989, to December 31, 1991, and for the courts |
| 5 | of all ot | her circuits of the State from January 1, 1990, to |
| 6 | December- | 31, 1992, a grand jury shall serve for a period of six |
| 7 | months af | ter being impaneled; provided that a grand jury may: |
| 8 | (1) | Sit beyond such period to complete any matter in which |
| 9 | | the grand jury was impaneled; |
| 10 | (2) | Be discharged sooner by the court; and |
| 11 | (3) | Sit in all other cases until another grand jury is |
| 12 | | impaneled and sworn.] Effective January 2, 1992, for |
| 13 | | the courts of the first circuit of the State of |
| 14 | | Hawaii, and effective January 2, 1993, for the courts |
| 15 | | of all other circuits of the State subject to section |
| 16 | | 612-22, a grand jury shall serve for a period of one |
| 17 | | year after being impaneled, unless sooner discharged |



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| 1 | by the court. Effective January 2, 2008, for the | | |
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| 2 | courts of all circuits of the State subject to section | | |
| 3 | 612-22, a grand jury shall serve for a period of six | | |
| 4 | months after being impaneled, unless sooner discharged | | |
| 5 | by the court. | | |
| 6 | Any vacancy occurring on a grand jury may be filled by the | | |
| 7 | court by drawing at random from names on the certified list of | | |
| 8 | grand jurors." | | |
| 9 | SECTION 2. Section 612-53, Hawaii Revised Statutes, is | | |
| 10 | amended by amending subsection (a) to read as follows: | | |
| 11 | "(a) Grand jury counsel shall serve for a term of [one | | |
| 12 | year] six months following appointment." | | |
| 13 | SECTION 2. Section 612-57, Hawaii Revised Statutes, is | | |
| 14 | amended to read as follows: | | |
| 15 | "§612-57 Grand jury counsel; duties. The grand jury | | |
| 16 | counsel shall serve[, upon request of the grand-jury,] as | | |
| 17 | independent legal counsel to the grand jury[, to be at the call | | |
| 18 | of the grand jury] during its proceedings [in obtaining | | |
| 19 | appropriate advice] on matters of law after the grand jury has | | |
| 20 | been sworn and charged by the court under section 612-16(d) and | | |
| 21 | during the court's absence. The grand jury counsel [may] shall | | |
| 22 | be present during grand jury proceedings[, and if not present in | | |
| | CP 100 07 1204 dog | | |



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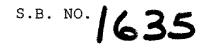
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| 1 | the building shall be in the immediate vicinity to the building |
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| 2 | in which the grand jury meets, so that counsel will be readily |
| 3 | available to the grand jury, but shall not participate in the |
| 4 | questioning of the witnesses or the prosecution. The grand jury |
| 5 | counsel's function shall be only to receive inquiries on matters |
| 6 | of law sought by the grand jury, conduct legal research, and |
| 7 | provide appropriate answers of law.] to advise the grand jury |
| 8 | whenever the grand jury counsel determines it to be |
| 9 | appropriate." |
| 10 | SECTION 3. This Act does not affect rights and duties that |
| 11 | matured, penalties that were incurred, and proceedings that were |
| 12 | begun, before its effective date. |
| 13 | SECTION 4. Statutory material to be repealed is bracketed |
| 14 | and stricken. New statutory material is underscored. |
| 15 | SECTION 5. This Act shall take effect on January 2, 2008. |
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Felc INTRODUCED BY:

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Report Title:

Grand Jury Counsel

Description:

Shortens the period grand juries and grand jury counsel must serve from 1 year to 6 months. Requires grand jury counsel to be present at grand jury proceedings. Requires grand jury counsel to advise the grand jury whenever the counsel determines it to be appropriate.

