

JAN 24 2007

---

---

# A BILL FOR AN ACT

RELATING TO GRAND JURIES.

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

1 SECTION 1. Section 612-16, Hawaii Revised Statutes, is  
2 amended by amending subsection (e) to read as follows:

3 " (e) ~~[For the courts of the first circuit of the State~~  
4 ~~from January 1, 1989, to December 31, 1991, and for the courts~~  
5 ~~of all other 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 after 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



1           by the court. Effective January 2, 2008, for the  
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~~




1 ~~the building shall be in the immediate vicinity to the building~~  
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.

16 INTRODUCED BY:

  
\_\_\_\_\_ B/C



**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.

