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# A BILL FOR AN ACT

RELATING TO APPELLATE JURISDICTION.

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

1           SECTION 1. The purpose of this Act is to authorize  
2 immediate appeals from certain orders regarding injunctions and  
3 from denials of sovereign or qualified immunity, assuming such  
4 appeals were not already authorized or allowed.

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

7           "**§641-1 Appeals as of right or interlocutory, civil**  
8 **matters.** (a) Appeals shall be allowed in civil matters from  
9 all final judgments, orders, or decrees of circuit and district  
10 courts and the land court to the intermediate appellate court,  
11 subject to chapter 602.  
12           (b) [~~Upon application made within the time provided by the~~  
13 ~~rules of court,~~] Except for interlocutory appeals as a matter of  
14 right as provided in subsection (c), an appeal in a civil matter  
15 may be allowed by a circuit court in its discretion from an  
16 order denying a motion to dismiss or from any interlocutory  
17 judgment, order, or decree whenever the circuit court may think  
18 the same advisable for the speedy termination of litigation



1 before it. The refusal of the circuit court to allow an appeal  
2 from an interlocutory judgment, order, or decree shall not be  
3 reviewable by any other court.

4 (c) Appeals shall be allowed from interlocutory orders of  
5 the circuit courts, the land court, and the district courts,  
6 that deny motions seeking dismissal, or judgment for the movant,  
7 based upon sovereign immunity or qualified immunity.

8 [~~e~~] (d) An application to the circuit court to permit an  
9 interlocutory appeal under subsection (b) and any appeal shall  
10 be taken in the manner and within the time provided by the rules  
11 of court."

12 SECTION 3. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on July 1, 2099 and  
15 shall apply fully to all cases filed on or after its effective  
16 date and all cases pending in the circuit and district courts  
17 and the land court for which no final judgment has been entered  
18 as of its effective date, to the extent permitted by law;  
19 provided that the amendments made to section 641-1, Hawaii  
20 Revised Statutes, by this Act shall not be repealed if wording  
21 in section 641-1 in effect on June 30, 2006, is reenacted  
22 pursuant to Act 202, Session Laws of Hawaii 2004, as amended by



- 1 Act 94, Session Laws of Hawaii 2006, and any other act, unless
- 2 the amendments made by this Act are expressly amended or
- 3 repealed in that other act.



**Report Title:**

Appellate Jurisdiction

**Description:**

Authorizes immediate appeals from certain court orders regarding injunctions and denials of sovereign or qualified immunity.  
(SB2971 SD1)

