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## A BILL FOR AN ACT

RELATING TO ACCUSED TO TRANSPORT WITNESS OR WITNESSES.

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

1           SECTION 1. Chapter 571, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§571-    Accused to transport witness or witnesses. (a)

5 In any criminal matter triable in the family courts of the  
6 various circuit courts, the court may require the accused to  
7 transport a witness or witnesses, including a complaining  
8 witness or witnesses, to any court proceeding, whenever any of  
9 the following conditions are met:

10           (1) The accused agrees to transport the witness or  
11                 witnesses to court;

12           (2) The prosecution has made a showing that:

13                 (A) Each witness has information material to the  
14                         determination of a fact at issue;

15                 (B) Each witness is a minor, elderly person, or  
16                         incapacitated person, residing or believed to be  
17                         residing at the same address or residential unit  
18                         as the accused;



1           (C) The prosecution has made reasonably diligent  
2           efforts to obtain the attendance of the witness  
3           or witnesses in court through service of process;  
4           and

5           (D) Those efforts have been unsuccessful; or

6       (3) The prosecution has made a showing that:

7           (A) Each witness has information material to the  
8           determination of a fact at issue;

9           (B) Each witness is a minor, elderly person, or  
10           incapacitated person; and

11           (C) The accused has sole physical or legal custody of  
12           the witness or witnesses.

13       (b) As used in this section:

14       "Minor" means a person less than eighteen years of age;

15       "Elderly person" means a person sixty years of age or over;

16       and

17       "Incapacitated person" means a person who is physically or  
18       mentally incapable of transporting himself or herself to court."

19       SECTION 2. Statutory material to be repealed is bracketed  
20       and stricken. New statutory material is underscored.

1 SECTION 3. This Act shall take effect on July 1, 2012.

2

INTRODUCED BY: Calvin Y. Ay  
By Request

JAN 13 2012



# H.B. NO. 1773

**Report Title:**

Accused to Transport Witness or Witnesses; Prosecuting Attorney's Package

**Description:**

Adds a new section to chapter 571, HRS, to allow family courts to require the accused to transport a witness or witnesses, including a complaining witness or witnesses, to any court proceeding under certain conditions.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

