
A BILL FOR AN ACT

RELATING TO RESPONSE TO WRIT FOR CERTIORARI.

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

1 SECTION 1. Section 602-59, Hawaii Revised Statutes, is
2 amended by amending subsection (c) to read as follows:
3 "(c) An application for a writ of certiorari may be filed
4 with the supreme court no later than thirty days after the
5 filing of the judgment or dismissal order of the intermediate
6 appellate court. Upon a written request filed prior to the
7 expiration of the thirty-day period, a party may extend the time
8 for filing an application for a writ of certiorari for no more
9 than an additional thirty days. [~~Opposition~~] A response to an
10 application for a writ of certiorari may be filed no later than
11 fifteen days after the application is filed. Upon a timely
12 written request by a party, the clerk of the court shall grant
13 one extension of time for no more than fifteen days for filing a
14 response to an application for a writ of certiorari. The clerk
15 of the court shall note on the record that the extension was
16 granted. The clerk of the court shall give notice that the
17 request is timely and granted. A request is timely only if it
18 is received by the clerk of the court within the original time



1 for filing of the response. The supreme court shall determine
2 to accept the application within thirty days after [~~an~~
3 ~~objection~~] a response is or could have been filed. The failure
4 of the supreme court to accept within thirty days shall
5 constitute a rejection of the application."

6 SECTION 2. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval;
9 provided that section 602-59(c), Hawaii Revised Statutes, shall
10 apply in the form in which it read on the day before the
11 effective date of this Act to cases in which the intermediate
12 appellate court's judgment or dismissal order was filed before
13 the effective date of this Act.



Report Title:

Certiorari; Writ; Response; Time; Extension

Description:

Requires the clerk of the court to grant a single extension of not more than fifteen days to file with the Supreme Court a response to an application for writ of certiorari upon a party's timely written request. (HB301 CD1)

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

