

CHAPTER 833
UNIFORM RENDITION OF ACCUSED PERSONS ACT

Section

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Revision Note

In this chapter the words "or magistrate" are deleted from the phrase "district judge or magistrate". L 1970, c 188, §39.

" **§833-1 Arrest of accused person illegally in State.** (a) If a person who has been charged with crime in another state and released from custody prior to final judgment, including the final disposition of any appeal, is alleged to have violated the terms and conditions of the person's release, and is present in this State, a designated agent of the court, judge, or magistrate which authorized the release may request the issuance of a penal summons or of a warrant for the arrest of the person and an order authorizing the person's return to the demanding court, judge, or magistrate. Before the warrant is issued, the designated agent must file with a district judge of this State the following documents:

- (1) An affidavit stating the name and whereabouts of the person whose removal is sought, the crime with which the person was charged, the time and place of the crime charged, and the status of the proceedings against the person;
- (2) A certified copy of the order or other document specifying the terms and conditions under which the person was released from custody; and
- (3) A certified copy of an order of the demanding court, judge, or magistrate stating the manner in which the terms and the conditions of the release have been violated and designating the affiant its agent for seeking removal of the person.

(b) Upon initially determining that the affiant is a designated agent of the demanding court, judge, or magistrate, and that there is probable cause for believing that the person whose removal is sought has violated the terms or conditions of the person's release, the district judge shall issue a penal summons or a warrant to a law enforcement officer of this State for the person's arrest.

(c) The district judge shall notify the prosecuting attorney of the district judge's action and shall direct the prosecuting attorney to investigate the case to ascertain the validity of the affidavits and documents required by subsection (a) and the identity and authority of the affiant. [L 1971, c 115, §1; HRS §713C-1; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§833-2 Hearing and right to counsel.** (a) The person whose removal is sought shall be brought before the district judge immediately upon arrest pursuant to the penal summons or

warrant; whereupon the district judge shall set a time and place for hearing, and shall advise the person of the person's right to have the assistance of counsel, to confront the witnesses against the person, and to produce evidence in the person's own behalf at the hearing.

(b) The person whose removal is sought may at this time in writing waive the hearing and agree to be returned to the demanding court, judge, or magistrate. If a waiver is executed, the district judge shall issue an order pursuant to section 833-3.

(c) The district judge may impose conditions of release authorized by the laws of this State which will reasonably assure the appearance at the hearing of the person whose removal is sought. [L 1971, c 115, §2; HRS §713C-2; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§833-3 Order of return to demanding court.** The prosecuting attorney shall appear at the hearing and report to the district judge the results of the prosecuting attorney's investigation. If the district judge finds that the affiant is a designated agent of the demanding court, judge, or magistrate and that the person whose removal is sought was released from custody by the demanding court, judge, or magistrate, and that the person has violated the terms or conditions of the person's release, the district judge may issue an order authorizing the return of the person to the custody of the demanding court, judge or magistrate forthwith. [L 1971, c 115, §3; HRS §713C-3; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§833-4 Costs and attorney fees.** All costs shall be paid by the designated agent and reasonable attorneys fees shall be awarded to the person whose removal is sought, if an order authorizing the person's return to the custody of the demanding court, judge or magistrate is not issued. [L 1971, c 115, §4; HRS §713C-4; ren L 1972, c 9, pt of §1; gen ch 1985]

" **§833-5 Uniformity of interpretation.** This chapter shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it. [L 1971, c 115, §6; HRS §713C-5; ren L 1972, c 9, pt of §1]

" **§833-6 Short title.** This chapter may be cited as the Uniform Rendition of Accused Persons Act. [L 1971, c 115, §7; HRS §713C-6; ren L 1972, c 9, pt of §1]