
A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE REFORM.

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

1 SECTION 1. The legislature finds that persons accused of
2 committing a crime are required to make an initial appearance in
3 court, and that the failure to appear in court results in the
4 issuance of an arrest warrant. The legislature notes that
5 arrests consume a significant portion of limited police
6 resources, increase the number of persons held in custody before
7 trial, and contribute to overcrowding in correctional
8 facilities. The legislature further finds that many factors may
9 cause a person to fail to appear in court, not necessarily
10 malicious intent.

11 Accordingly, the purpose of this Act is to provide for a
12 forty-eight-hour grace period after a missed initial court
13 appearance.

14 SECTION 2. Chapter 805, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§805- Initial court appearance; failure to appear;
2 grace period. A person who fails to appear in court for the
3 initial appearance in a case may be granted a grace period of
4 forty-eight hours before the court may issue an arrest warrant
5 for the person's appearance; provided that if the
6 forty-eight-hour grace period is scheduled to expire on a
7 Saturday, Sunday, or state holiday, the expiration shall be
8 extended to the same time on the next business day. During the
9 grace period, the person's attorney of record or the person, if
10 the person is not represented by counsel, may contact the court
11 to request that the initial appearance be reset on the court's
12 calendar without the issuance of the warrant."

13 SECTION 3. Chapter 806, Hawaii Revised Statutes, is
14 amended by adding a new section to be appropriately designated
15 and to read as follows:

16 "§806- Initial court appearance; failure to appear;
17 grace period. A person who fails to appear in court for the
18 initial appearance in a case may be granted a grace period of
19 forty-eight hours before the court may issue an arrest warrant
20 for the person's appearance; provided that if the
21 forty-eight-hour grace period is scheduled to expire on a



1 Saturday, Sunday, or state holiday, the expiration shall be
 2 extended to the same time on the next business day. During the
 3 grace period, the person's attorney of record or the person, if
 4 the person is not represented by counsel, may contact the court
 5 to request that the initial appearance be reset on the court's
 6 calendar without the issuance of the warrant."

7 SECTION 4. Section 805-5, Hawaii Revised Statutes, is
 8 amended to read as follows:

9 "**§805-5 Warrant after summons issued.** The district judge
 10 [~~may~~], for any cause [~~which~~] that appears to the district judge
 11 to be sufficient, [~~at any time~~] after the issue of the summons,
 12 and by virtue of the complaint therein contained and recited,
 13 may issue the district judge's warrant for the immediate arrest,
 14 upon the charge, of the person so summoned~~[-]~~; provided that if
 15 the court granted a grace period pursuant to section 805- or
 16 806- , the warrant shall not be issued until forty-eight hours
 17 after the person's failure to appear in response to the
 18 summons."

19 SECTION 5. Statutory material to be repealed is bracketed
 20 and stricken. New statutory material is underscored.



1 SECTION 6. This Act shall take effect on July 1, 3000.



Report Title:

Courts; Court Appearance; Failure to Appear; Grace Period

Description:

Authorizes a forty-eight-hour grace period after a missed initial court appearance. Effective 7/1/3000. (HD1)

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

