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

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

16 "§805- Initial court appearance; failure to appear;
17 grace period. A person who fails to appear in court for the



1 initial appearance in a case may be granted a grace period of
2 forty-eight hours before the court may issue an arrest warrant
3 for the person's appearance; provided that if the
4 forty-eight-hour grace period is scheduled to expire on a
5 Saturday, Sunday, or state holiday, the expiration shall be
6 extended to the same time on the next business day; provided
7 further that during the grace period, the person may voluntarily
8 appear in court without the need to provide advance notice to
9 the court."

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

13 "**§806- Initial court appearance; failure to appear;**
14 **grace period.** A person who fails to appear in court for the
15 initial appearance in a case may be granted a grace period of
16 forty-eight hours before the court may issue an arrest warrant
17 for the person's appearance; provided that if the
18 forty-eight-hour grace period is scheduled to expire on a
19 Saturday, Sunday, or state holiday, the expiration shall be
20 extended to the same time on the next business day; provided
21 further that during the grace period, the person may voluntarily



1 appear in court without the need to provide advance notice to
2 the court."

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

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

15 SECTION 5. Statutory material to be repealed is bracketed
16 and stricken. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

Dan James

JAN 16 2024



H.B. NO. 1602

Report Title:

Courts; Court Appearance; Failure to Appear; Grace Period

Description:

Authorizes a 48-hour grace period after a missed initial court appearance.

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

