

## ACT 88

H. B. NO. 2040-72

A Bill for an Act Relating to Courts, Amending Chapters 601, 602, 603, 606, 607, and 608 of the Hawaii Revised Statutes.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 601 of the Hawaii Revised Statutes is amended as follows:

(a) Section 601-2 is amended by deleting from the second and third lines of paragraph (2) the words “for each term of court”, and inserting in lieu thereof: “for such period as he may determine”.

(b) Section 601-2 is further amended by deleting from the sixth line of paragraph (2) the words “for each term of court,” and inserting in lieu thereof: “for such period as he may determine.”

(c) Section 601-7 is amended by deleting from the first and second lines of subsection (b) the words “whether at law, in equity, criminal, or special proceeding,” and inserting in lieu thereof: “civil or criminal.”

(d) Section 601-9 is amended to read as follows:

**“Sec. 601-9. Same, other instances.** No attorney shall be employed, or allowed to appear before any court, in any action or proceeding which has been previously tried before him as a judge.”

(e) Section 601-13 is amended by changing the period at the end of the first paragraph to a comma and adding the following: “except as otherwise provided.”

(f) Section 601-14 is amended by deleting from the first and second lines the words “circuit judge, at chambers, or any other”.

(g) Section 601-15 is amended by deleting from the second line the word “hereafter”.

(h) Sections 601-10, 601-11, 601-12, and 601-16 are deleted.

SECTION 2. Chapter 602 of the Hawaii Revised Statutes is amended as follows:

(a) Section 602-3 is amended by deleting from the fourth line the word “to”.

(b) Section 602-5 is amended to read as follows:

**“Sec. 602-5. Jurisdiction and powers.** The supreme court shall have jurisdiction and powers as follows:

(1) To hear and determine all questions of law, or of mixed law and

- fact, which are properly brought before it on any appeal allowed by law from any other court or agency;
- (2) To answer, in its discretion, any question of law reserved by a circuit court, the land court, or the tax appeal court, or any question or proposition of law certified to it by a federal appellate court if the supreme court shall so provide by rule;
  - (3) To entertain, in its discretion, any case submitted without suit when there is a question in difference which might be the subject of a civil action or proceeding in the supreme court, circuit court, or tax appeal court, and the parties agree upon a case containing the facts upon which the controversy depends;
  - (4) To exercise original jurisdiction in all questions arising under writs directed to courts of inferior jurisdiction and returnable before the supreme court, or if the supreme court consents to receive the case arising under writs of mandamus directed to public officers to compel them to fulfill the duties of their offices; and such other original jurisdiction as may be expressly conferred by law;
  - (5) To issue writs of habeas corpus, or orders to show cause as provided by chapter 660, returnable before the supreme court or a circuit court, and any justice may issue writs of habeas corpus or such orders to show cause, returnable as above stated;
  - (6) To make or issue any order or writ necessary or appropriate in aid of its appellate or original jurisdiction, and in such case any justice may issue a writ or an order to show cause returnable before the supreme court;
  - (7) To make and award such judgments, decrees, orders and mandates, issue such executions and other processes, and do such other acts and take such other steps as may be necessary to carry into full effect the powers which are or shall be given to it by law or for the promotion of justice in matters pending before it."

(c) Section 602-7 is amended to read as follows:

**"Sec. 602-7. Oaths, subpoenas.** The supreme court may compel the attendance of witnesses and the production of books, papers, documents or tangible things, and any justice may administer oaths."

(d) Section 602-8 is amended to read as follows:

**"Sec. 602-8. Terms.** There shall be an annual term commencing on the first Monday in October and continuing until adjourned or until the following term begins. Continued existence, adjournment or expiration of the term shall in no way affect the power of the court to do all acts or things and to take any proceeding. The court shall be deemed always open for filing papers, issuing and returning process and making motions or orders."

(e) Section 602-9 is amended to read as follows:

**"Sec. 602-9. Sessions, where.** The supreme court shall sit in Honolulu; provided, that the chief justice may appoint a different place for the sitting of the court, pro tempore."

(f) Section 602-11 is amended to read as follows:

**“Sec. 602-11. Full court; substitute justices.** Parties shall be entitled to a hearing before a full court. In case of a vacancy, or if a justice of the supreme court is disqualified from sitting in any cause pending before the supreme court, or is unable to attend, the vacancy or the place of such justice shall be temporarily filled by a circuit judge designated by the chief justice. When necessary, the court may consist of five circuit judges, so designated.”

(g) Section 602-21 is amended to read as follows:

**“Sec. 602-21. Rules.** The supreme court shall have power to promulgate rules in all civil and criminal cases for all courts relating to process, practice, procedure and appeals, which shall have the force and effect of law. Such rules shall not abridge, enlarge, or modify the substantive rights of any litigant, nor the jurisdiction of any of the courts, nor affect any statute of limitations.

Whenever in a statute it is provided that the statute is applicable “except as otherwise provided,” or words to that effect, these words shall be deemed to refer to provisions of the rules of court as well as other statutory provisions.”

(h) Sections 602-6, 602-10, 602-12, 602-13, 602-16, 602-22, 602-23, 602-24, 602-31, 602-32, 602-33, 602-34, 602-36, and 602-37 are deleted, together with all part headings.

SECTION 3. Chapter 603 of the Hawaii Revised Statutes is amended as follows:

(a) Section 603-3 is amended by deleting the second sentence and all of the second paragraph.

(b) Section 603-4 is amended by deleting the second paragraph.

(c) The heading of Part II is changed to read “Sessions”.

(d) Sec. 603-11 is amended to read as follows:

**“Sec. 603-11. Separate sessions at same time.** There may be one session of the circuit court of any circuit, or separate sessions of the court at the same time, each of which may be held by one, but not more than one, of the judges of the circuit court of that circuit or any other circuit judge who may be authorized to preside in that circuit. Judgments, decrees, orders, and proceedings of any session held by any one of the judges shall be as effective as if only one session was held at a time.”

(e) Section 603-12 is amended to read as follows:

**“Sec. 603-12. Sessions, held where.** Except as otherwise provided by statute, the sessions of the circuit courts shall be held as follows: In the first circuit, at Honolulu; in the second circuit, at Wailuku; in the third circuit, at Hilo; in the fifth circuit, at Lihue.”

(f) Section 603-14 is amended to read as follows:

**“Sec. 603-14. Place of trial; signature of judge.** (a) A jury trial shall be conducted in the circuit in which the case is pending, at the place designated by section 603-12 or at such other place or places within the circuit as may be designated by the chief justice from time to time.

(b) For the trial of cases which do not require a jury the circuit court may hold sessions at any place within the circuit with the same effect as if held at the place designated by section 603-12.

(c) In any ex parte proceeding, or any other civil proceeding upon consent of all the parties who have appeared in the case, the circuit court may in its discretion, if the attendance of a jury is not required, hold sessions at which witnesses may be heard and evidence adduced and argument presented, at any place within the State without the boundaries of the circuit with the same effect as if held at the place designated by section 603-12, and for the purpose of such sessions may use the services of the clerk and reporter of the circuit court of the circuit within which the sessions are held, and may require stipulations between the parties as to the payment of costs of transportation and other special costs arising out of the fact that the sessions are held at a place other than that designated by section 603-12, as a condition of holding the sessions.

(d) Any decision, order, decree, judgment, or any other document requiring the signature of a circuit judge, in any cause or proceeding whatsoever in a circuit court, may be signed without, as well as within, the boundaries of the circuit in which the court is situated."

(g) Section 603-15 is amended to read as follows:

**"Sec. 603-15. Summer trial, when.** Except for reasons which may be deemed sufficient by the circuit court, the trial of a contested civil case shall not be commenced during the months of July and August unless upon consent of all parties."

(h) Section 603-16 is amended to read as follows:

**"Sec. 603-16. Continuance of hearing or trial.** If the judge of any circuit court, or any other circuit judge authorized to preside in the circuit, fails to attend any trial or hearing at the time appointed, a clerk thereof shall continue any case or matter then before the court for trial or hearing, from time to time, until the attendance of one of the circuit judges; but no such continuance shall be for a longer period than seven days, except as otherwise ordered by the court.

(i) A new section 603-21.5 is added, to read as follows:

**"Sec. 603-21.5 General.** The several circuit courts shall have jurisdiction, except as otherwise expressly provided by statute, of:

- (1) Criminal offenses cognizable under the laws of the State, committed within their respective circuits or transferred to them for trial by change of venue from some other circuit court;
- (2) Actions for penalties and forfeitures incurred under the laws of the State;
- (3) Civil actions and proceedings, in addition to those listed in sections 603-21.6, 603-21.7, and 603-21.8."

(j) A new section 603-21.6 is added, to read as follows:

**"Sec. 603-21.6. Probate.** The several circuit courts shall have power to grant probate of wills, to appoint administrators, to determine the heirs at law or devisees of deceased persons and to decree the distribution of decedents'

estates, to appoint guardians of the estates of minors and incompetents, to compel executors, administrators, and such guardians to perform their respective trusts and to account in all respects for the discharge of their official duties, and to remove any executor or administrator or any such guardian.”

(k) A new section 603-21.7 is added, to read as follows:

“**Sec. 603-21.7. Non-jury cases.** The several circuit courts shall have jurisdiction, without the intervention of a jury except as provided by statute, as follows:

(a) Of actions or proceedings:

- (1) For the determination and declaration of heirs of deceased persons, which jurisdiction shall be in addition to the probate jurisdiction of the court;
- (2) For the admeasurement of dower and curtesy, or the partition of real estate;
- (3) For enforcing and regulating the execution of trusts, whether the trusts relate to real or personal estate, for the foreclosure of mortgages, for the specific performance of contracts, and except when a different provision is made they shall have original and exclusive jurisdiction of all other cases in the nature of suits in equity, according to the usages and principles of courts of equity;

(b) Of actions or proceedings in or in the nature of habeas corpus, prohibition, mandamus, quo warranto, and all other proceedings in or in the nature of applications for writs directed to courts of inferior jurisdiction, to corporations and individuals, as may be necessary to the furtherance of justice and the regular execution of the law.”

(l) A new section 603-21.8 is added, to read as follows:

“**Sec. 603-21.8. Appeals.** The several circuit courts shall have jurisdiction of all causes that may properly come before them on any appeal allowed by law from any other court or agency.”

(m) A new section 603-21.9 is added, to read as follows:

“**Sec. 603-21.9. Powers.** The several circuit courts shall have power:

- (1) To make and issue all orders and writs necessary or appropriate in aid of their original or appellate jurisdiction;
- (2) To administer oaths;
- (3) To compel the attendance of parties and witnesses from any part of the State, and compel the production of books, papers, documents or tangible things;
- (4) To admit to bail persons rightfully confined in all bailable cases, or to dispense with bail as provided by the State Constitution;
- (5) To issue warrants for the apprehension, in any part of the State, of any person accused under oath of a crime or misdemeanor committed in any part of the State and to examine and commit the person to prison according to law, for trial before the circuit court of the circuit in which the offense was committed, to fix bail and generally to perform the duties of a committing magistrate;

- (6) To make and award such judgments, decrees, orders, and mandates, issue such executions and other processes, and do such other acts and take such other steps as may be necessary to carry into full effect the powers which are or shall be given to them by law or for the promotion of justice in matters pending before them.”

(n) Section 603-23 is amended to read as follows:

**“Sec. 603-23. Injunction of violation of laws and ordinances.** The circuit courts shall have power to enjoin or prohibit any violation of the laws of the State, or of the ordinances of the various counties, upon application of the attorney general or the various county attorneys or corporation counsels or prosecuting attorneys, even if a criminal penalty is provided for violation of the laws or ordinances. Nothing herein limits the powers elsewhere conferred on circuit courts.”

(o) Section 603-36 is amended to read as follows:

**“Sec. 603-36. Actions and proceedings, where to be brought.** Actions and proceedings of a civil nature within the jurisdiction of the circuit courts shall be brought as follows:

- (1) Actions described in section 603-21.5(2) shall be brought in the circuit where it is alleged the penalty or forfeiture was incurred;
- (2) Actions in the nature of ejectment or trespass quare clausum fregit or to quiet title to or partition real property shall be brought in the circuit in which the real property in question is situated; provided, that if the real property, partition of which is sought, lies in more than one circuit the action may be brought in any circuit in which the same or any part thereof is situated;
- (3) Proceedings for the probate of wills, for the appointment of administrators and trustees of the estates of deceased persons, for the admeasurement of dower, and for all matters relating to the administration and settlement of estates of deceased persons, shall be brought in the circuit where the deceased had his last domicile; provided, that if the deceased was last domiciled without the State, the proceedings may be brought in any circuit in which there is estate to be administered;
- (4) Proceedings for the appointment of guardians and for all matters concerning the relation of guardian and ward, shall be brought in the circuit in which the person or a majority of the persons are domiciled, in whose behalf the proceedings are begun; provided, that if the person is domiciled without the State, or a majority of the persons are so domiciled, the proceedings may be brought in any circuit in which there is estate of the person or persons;
- (5) Applications for writs directed to courts of inferior jurisdiction or for writs of quo warranto, shall be made in the circuit in which the alleged occasion for relief by any such writ arises; provided, that in case any such writ is necessary in the prosecution or furtherance of any action or proceeding already begun or pending before any circuit court, the court before which the action or proceeding has been be-

gun or is pending may issue the writ even though the alleged occasion for relief arose in another circuit;

- (6) Actions other than those specified above shall be brought in the circuit where the claim for relief arose or where the defendant is domiciled; provided, if there is more than one defendant, then the action shall be brought in the circuit in which the claim for relief arose unless a majority of the defendants are domiciled in another circuit, whereupon the action may be brought in the circuit where the majority of the defendants are domiciled."

(p) Section 603-37 is amended by inserting the word "civil" before the word "case" in the third and fifth lines, and by deleting from the ninth line the word "cause" and inserting in lieu thereof the word "case".

(q) A new section 603-37.5 is added, to read as follows:

**"Sec. 603-37.5 Cure or waiver of defects.** (a) The circuit court of a circuit in which is commenced a civil case laying venue in the wrong circuit shall transfer the case, upon or without terms and conditions as the court deems proper, to any circuit in which it could have been brought, or if it is in the interest of justice dismiss the case.

(b) Nothing in sections 603-36 to 603-37.5 shall impair the jurisdiction of a circuit court of any matter involving a party who does not interpose timely and sufficient objection to the venue."

(r) The heading of Part I is changed to read "Sessions", and the heading of Part V is changed to read "Assignment to Another Circuit".

(s) Section 603-41 is amended by deleting from the seventh line the words "either at term or in chambers" together with the commas which precede and follow these words.

(t) Sections 603-7, 603-13, 603-17, 603-21, 603-22, 603-24, 603-25, 603-26, 603-27, 603-28, 603-42, and 603-46 are deleted, together with the heading of Part VI.

SECTION 4. Chapter 606 of the Hawaii Revised Statutes is amended as follows:

(a) Section 606-1 is amended to read as follows:

**"Sec. 606-1. Clerks of supreme court, circuit courts, and district courts; appointment and removal.**

(a) Subject to the provisions of chapter 76, when applicable:

- (1) There shall be a clerk of the supreme court and as many deputy clerks and assistant clerks as the business of the supreme court requires, appointed and removable by the justices of the supreme court.
- (2) There shall be as many clerks of the circuit courts as may be necessary, appointed and removable by the judge or administrative judge thereof, as the case may be. The appointment of a clerk of a particular division may be made by the judge of that division.
- (3) There shall be as many clerks of the district courts as may be necessary, appointed and removable by the judge or administrative judge thereof, as the case may be.

(b) The respective clerks of the supreme court, circuit courts, and dis-

trict courts shall be ex-officio clerks of all the courts of records, and as such may issue process returnable in all such courts.”

(b) Section 606-2 is amended to read as follows:

“**Sec. 606-2. Temporary assistants.** In case of the temporary absence or disability of any clerk, or when the business of any court demands, an assistant clerk, having the powers of a clerk, may be appointed for temporary duty. The salary of the assistant may be paid out of any appropriation available for the expenses of the court.”

(c) Section 606-3 is amended to read as follows:

“**Sec. 606-3. Seal of court, attestation.** Each court of record shall have a seal, the device of which shall be as approved by the supreme court. The seal shall be in the custody of the clerk of the court, and shall be impressed upon all processes and official certificates, accompanied by the clerk’s official attestation.”

(d) Section 606-4 is amended to read as follows:

“**Sec. 606-4. Custody; disposition of exhibits.** The clerks of the supreme, circuit, and district courts shall have the custody of all records, books, papers, moneys, exhibits, and other things pertaining to their respective courts.

The clerks shall have the authority and power, upon the written approval of a judge of the court given in particular actions or proceedings, to sell, destroy, or otherwise dispose of exhibits and things marked for identification, other than original files belonging to other actions, which have come into their possession or custody under this section, when such exhibits or things have not been already returned to their owners and when more than one year has elapsed since the final termination of the action to which the exhibits or things are related; provided that the clerk shall first give notice in writing of the things that are proposed to be disposed of, stating that the same are to be disposed of if not claimed and removed from the court by a day certain, such notice to be addressed to the party or the attorney of the party who introduced the exhibits or things in evidence or left them in the custody of the court, at his last known address; and provided, further, that the clerk shall file an affidavit as to such notice and a list of the exhibits or things to be destroyed or otherwise disposed of under this section and the disposition thereof, with the action or proceeding to which the same belong.

All moneys received from sales under this section shall be forthwith deposited with the state director of finance as government realizations.”

(e) Section 606-8 is amended to read as follows:

“**Sec. 606-8. Powers and duties of clerks.** The clerks of the courts of record may issue process, administer oaths, take depositions, and perform all other duties pertaining to their office. A clerk shall attend and record the proceedings at all sittings of courts of record.

The clerks of the circuit courts shall be ex officio masters in matters referred to them by the court.”

(f) Section 606-9 is amended to read as follows:

“**Sec. 606-9. Reporters and interpreters.** The judge of the circuit court of each judicial circuit, or the administrative judge thereof, as the case may be,



may appoint one or more interpreters, and one or more court reporters.

The district judge of each judicial circuit, or the administrative judge, as the case may be, may appoint one or more court reporters, and one or more interpreters, as may be necessary.

Each of the interpreters and court reporters so appointed shall be removable by the judge or the administrative judge, by whom he is appointed, except as otherwise provided.

All duly appointed court reporters of the courts in the State may take depositions and administer oaths relative to the taking of the depositions.

Any one of the circuit judges or district judges may temporarily assign to any court reporter or interpreter, appointed as aforesaid, any appropriate duties in any court of the State other than the one in which he is located. In the district courts clerk reporters may be appointed having the duties, powers, and qualifications of clerks and court reporters. Nothing in this section shall prevent the employment by any one of the circuit judges or district judges aforesaid, of any court reporter, interpreter, or clerk to serve in individual cases as they may arise, when necessary."

(g) Section 606-10 is amended to read as follows:

**"Sec. 606-10. Reporters, assignment.** The court reporters shall be sworn officers of the court. In the circuit courts one reporter shall be assigned, for such period as may be determined, to each division of the court and be subject to the orders of the presiding judge thereof; provided, that during the sickness or absence of any reporter, a reporter of another division may be required, unless objected to by the judge to whose division he may be assigned, to perform the duties of the reporter so sick or absent."

(h) Section 606-11 is amended to read as follows:

**"Sec. 606-11. Qualifications of reporters.** No person shall be appointed to the position of official court reporter unless he either (1) has had three years' experience as a court reporter, or (2) has been found competent after being first examined as to his competency.

The test of competency shall be as follows: The party examined must write at the rate of at least one hundred and sixty words per minute, or at such higher rate as may be prescribed, immediately read the same back without material error, and furnish a plain and accurate transcript of the same within a reasonable time thereafter.

Nothing in this section contained shall operate as a bar to the appointment of a court reporter for not more than sixty days, or such longer period as may be approved by the chief justice, where the services of no person possessing the above required qualifications are available."

(i) Section 606-12 is amended by changing the caption to read "Duties of reporters."; by inserting in the first line after the word "each" the word "court"; by deleting from the fourth line the words "and exceptions"; by deleting from the seventh line the word "either" and inserting in lieu thereof "any"; and by amending the fifth sentence to read as follows: "other appropriate duties for the reporters to perform may be prescribed by rule of court."

(j) Section 606-12 is further amended by commencing a new paragraph with the words "Each reporter" at the beginning of the sixth sentence; by deleting the word "either" in the seventeenth line of the section and inserting in lieu thereof "any"; and by deleting the last paragraph and inserting in lieu thereof the following:

"In an ex parte or uncontested case if there is no court reporter in attendance the court may direct the clerk to take notes of the oral evidence adduced or the judge may himself take such notes or may cause the oral evidence to be preserved on tape or by another mechanical device."

(k) Section 606-13 is amended by changing the caption to read "Salary and perquisites of reporters"; by deleting the word "as" from the second line and inserting in lieu thereof "that"; by deleting from the eleventh and twelfth lines the words "attorneys or corporation counsel" and inserting in lieu thereof "or prosecuting attorneys or corporation counsels"; by deleting from the fourth line of the second paragraph the word "the" and inserting in lieu thereof "a county or prosecuting attorney or"; by deleting from the seventh line of the second paragraph the words "the director of finance of the city and"; and by inserting, preceding the last paragraph, a new paragraph to read as follows: "When a transcript is prepared from a tape, or other record of the testimony and proceedings made by a mechanical device, the transcript fees shall be those applicable when a transcript is prepared by an official court reporter from his notes. A transcript not prepared by an official court reporter shall be certified by a clerk of the court."

(l) Section 606-13 is further amended by amending the last paragraph to read as follows: "The reporter or other person preparing transcripts shall provide, at his own expense, all typewriting paper and carbon paper necessary to the preparation thereof."

(m) Section 606-14 is amended to read as follows:

**"Sec. 606-14. Bailiffs.** The judge of the circuit court of each judicial circuit or division may appoint a person to be known as "court officer and bailiff" or "special court officer". Each of the persons so appointed shall be removable by the judge by whom he is appointed, except as otherwise provided. In the first circuit one of the persons so appointed shall be designated as "chief court officer and bailiff," and another as "assistant chief court officer and bailiff".

The court officers and bailiffs or special court officers shall attend upon the trial of causes, keep order in the courtroom and judiciary building, serve notices and other process of the court as directed by any judge of the court, summon jurors and under the supervision of the respective courtroom clerks, have custody over juries and perform any other duties in and around the court as shall be from time to time required of them by the presiding judges or by rule of court. They shall be in attendance during all sessions of the court and perform other duties during business hours or during emergencies as may be required of them by the respective judges, absenting themselves only upon special permission from the judge presiding in the court or from the chief court officer and bailiff.

They shall receive for their services salaries as provided by law. They shall not be entitled to any fees for the service of process or for the performance of any other service, but where fees are chargeable by law for such services, such fees shall become a general governmental realization. If required to serve any notice or process they shall be entitled to reimbursement for reasonable actual expenses for transportation, to be paid out of circuit court expenses, in such sums as may be approved by a judge of the court.

In the performance of their duties they shall have the general powers of a police officer, including all of the authority, powers, and duties as set forth in chapter 708; provided, they shall not interfere with the work of the sheriff, the chiefs of police or their deputies in the service of any process for which fees are paid.

An appointee under this section who, at the time of the appointment, is a member of any pension or retirement fund provided by law shall continue as such member after the appointment with the same rights to prior and subsequent service credit as if he had remained in the service of the State or county in any former service."

(n) Sections 606-6, 606-7, and 606-15 are deleted.

SECTION 5. Chapter 607 of the Hawaii Revised Statutes is amended as follows:

(a) Section 607-2 is amended by inserting in the second line, following the comma, the words and punctuation "and subject to section 28-26," and by deleting from the next to the last line the words "a court of record" and inserting in lieu thereof "any court".

(b) Section 607-3 is amended to read as follows:

**"Sec. 607-3. Court costs, waiver of prepayment, reduction or remission of.** The judges of all the courts of the State shall have discretionary power to waive the prepayment of costs or to reduce or remit costs where, in special or extraordinary cases, the cost of any suit, action, or proceeding may, to the judges, appear onerous."

(c) A new section 607-3.5 is added to read as follows:

**"Sec. 607-3.5. Security for costs.** The several courts shall have power to require either the plaintiff or defendant, upon the application of the opposite party, to give security for costs in any civil cause, upon such terms and conditions as the court deems just."

(d) Section 607-4 is amended by deleting from the sixth line of subsection (a) the words "bond or other security drawn by the judge" and inserting in lieu thereof the following: "drawing bond or other security".

(e) Section 607-4 is further amended by amending subsection (c) to read as follows: "(c) The court, in taxing costs, may assess not only the costs of court, but also all reasonable disbursements as provided by section 607-9."

(f) Section 607-4 is further amended by deleting from the fourth line of paragraph numbered (6) of subsection (d) the words "or municipal".

(g) Section 607-5 is amended by changing the caption to read "Costs, circuit courts"; by deleting from the third line of subsection (a) the words and punctuation "original process," and the word and punctuation "information,";

by deleting from paragraph numbered (1) of subsection (a) the words and punctuation "Proceedings in law, equity," and inserting in lieu thereof: "Civil actions"; by deleting from paragraph numbered (2) of subsection (a) the words and punctuation "declaratory judgments, certiorari, mandamus, quo warranto, prohibition, habeas corpus," and inserting in lieu thereof: "quo warranto, habeas corpus, and other extraordinary writs," and by deleting from paragraph numbered (2) of subsection (a) the words "(except appeals in criminal cases)".

(h) Section 607-5 is further amended by deleting from subsection (b) the words and punctuation "cross bill or petition, cross complaint, counter-claim," and by inserting in lieu thereof the following: "cross-claim, counterclaim, third-party complaint,".

(i) Section 607-5 is further amended by deleting from the first line of paragraph numbered (1) of subsection (c) the word "Proceedings" and inserting in lieu thereof "Actions and proceedings"; by inserting in the ninth line of paragraph (1) of subsection (c), after the words "show cause" and preceding the semicolon the following: "in cases not above provided for"; and by deleting from paragraph numbered (2) of subsection (c) the word "Proceedings" and inserting in lieu thereof "Actions".

(j) Section 607-5 is further amended by deleting from the second and third lines of subsection (d) the words "(except appeals in criminal cases) where issue has been joined."

(k) Section 607-6 is amended by deleting from subsection (a) the words "bill of exceptions, or application for the issuance of writ of error", wherever the same appear, that is to say, by deleting the same from the first and second lines and from the fifth and sixth lines of subsection (a).

(l) Section 607-7 is amended to read as follows:

**"Sec. 607-7. Deposit and payment of costs on appeal.** All costs required to be paid upon the filing of any appeal shall be deposited with the clerk of the court from which the appeal is taken, which deposit shall be transmitted to the clerk of the appellate court together with the record of the appeal. The deposit shall be made at the time of filing the notice of appeal.

Where the appeal is from a governmental official or body other than a court, the required payment of costs for filing the appeal shall be made to the clerk of the court to which the appeal is taken except as otherwise provided."

(m) Section 607-8 is amended by deleting from the second line of the next to the last paragraph the words "other costs incurred" and inserting in lieu thereof the following: "costs incurred after judgment rendered".

(n) Section 607-9 is amended by deleting from the second line the words "the supreme court or in the circuit courts" and by inserting in lieu thereof "any court"; and by inserting in the next to the last line after the word "attorney" the words "or a party".

(o) Section 607-12 is amended by deleting from the first line the word "pay" and inserting in lieu thereof "fees", and by inserting in the second line after the word "testifying" the words and punctuation ", or subpoenaed and attending,", and by deleting from the third line "\$2" and inserting in lieu thereof "\$4", and by adding to the first paragraph:

"Every such witness, coming to attend upon court from any island other than that upon which the court is holding session, shall be entitled to \$6 for each day's attendance in addition to the actual round trip cost of plane or ship travel and 20 cents for each mile actually and necessarily traveled on the ground each way." The second paragraph is amended to read as follows:

"The fees of witnesses may be taxed in the bill of costs as provided by Section 607-9."

(p) Section 607-13 is amended by deleting from the third and fourth lines the words and punctuation "or a nonsuit entered therein,".

(q) Section 607-14 is amended by changing the caption to read "Attorneys' fees in actions in the nature of assumpsit", and by inserting in the second line after the word "actions" and preceding the words "of assumpsit" the following: "in the nature".

Section 607-14 is further amended by deleting from the end of the first sentence "ten percent on all sums to \$100, and two and one-half percent in addition on all sums over \$100, to be computed on the excess over \$100" and inserting in lieu thereof: "a fee which the court determines to be reasonable but which shall not exceed the amount obtainable under the following schedule:

- 25 percent on first \$1,000 or fraction thereof.
- 20 percent on second \$1,000 or fraction thereof.
- 15 percent on third \$1,000 or fraction thereof.
- 10 percent on fourth \$1,000 or fraction thereof.
- 5 percent on fifth \$1,000 or fraction thereof.
- 2.5 percent on any amount in excess of \$5,000.

(r) Section 607-16 is amended by deleting from the third line the words "and fees paid", and by deleting from the third and fourth lines the words "on taking the appeal".

(s) Section 607-17 is amended by inserting in the second line after the word "action" the word "is"; by inserting in the fourth line after the word "writing", the word "which"; by inserting in the ninth line after the comma the words "not more than"; by inserting in the eleventh line after the comma the words "not more than" and by amending the proviso which commences in the thirteenth line to read as follows: "provided that the fee allowed in any of the above cases shall not exceed that which is deemed reasonable by the court."

(t) Section 607-17 is further amended by deleting the paragraph which commences in the sixteenth line.

(u) Section 607-21 is amended by deleting from the third line the words "or judge", and by deleting from the next to the last line the words and punctuation ", or a judge before whom,".

(v) Section 607-23 is amended by deleting from the caption the word and punctuation "sheriffs", by deleting from the second line the words "or judge", by deleting from the fifth line the words "to attend courts of record", and by deleting the last paragraph.

(w) Section 607-24 is amended by deleting from the seventh and eighth lines the words and punctuation "or upon an application for a writ of error, or upon exceptions,".

(x) Sections 607-10, 607-11, 607-15, and 607-22 are deleted.

SECTION 6. The amendments of section 607-5 deleting from paragraph (2) of subsection (a), and from subsection (d), the exceptions for appeals to the circuit court in criminal cases shall take effect only when the right of appeal to the circuit court in criminal cases ceases.

SECTION 7. Chapter 608 of the Hawaii Revised Statutes is amended as follows:

(a) Section 608-1 is amended by deleting from the first sentence the words "courts for dependent and delinquent children, and for institutions for their care", and inserting in lieu thereof:

"family courts and agencies thereof"

(b) Section 608-1 is further amended by deleting the last two sentences, and inserting in lieu thereof: "Except as otherwise provided, the officers and employees shall be members of the civil service system of the State and shall be chosen in conformity with Part II of chapter 76, and the compensation for and classification of the positions held by such persons shall be in accordance with Part I of chapter 77."

(c) Section 608-2, as amended by Act 188 of the Session Laws of 1970, is amended by deleting from the second sentence the words "Each of the" and inserting in lieu thereof "The".

SECTION 8. The amendments made by this Act shall not affect or repeal any other act passed at the same session of the legislature, and all such acts shall have full effect. So far as such acts conflict with any provision contained in this Act, they shall have the effect of subsequent acts.

SECTION 9. This Act upon its approval shall take effect July 1, 1973.

(Approved May 19, 1972.)