

A Bill for an Act Relating to the Administration of Oaths.

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

SECTION 1. Section 187-11, Hawaii Revised Statutes, is amended to read:

**“Sec. 187-11 Failure to obey summons.** Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the officers, their agents and subordinates, upon his arrest for violation of the fish and game laws or regulations, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$500 or be imprisoned not more than six months, or both.

If any person fails to comply with a summons or citation issued to him, or if any person fails or refuses to deposit bail as required and within the time permitted, the officers shall cause a complaint to be entered against the person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any fish and game law or any rule or regulation promulgated thereunder the officer who issued the summons or citation shall subscribe to it under oath administered by another official or officials of the department of land and natural resources whose names have been submitted to the prosecuting officer and who have been designated by the chairman of the board of land and natural resources to administer the same.”

SECTION 2. Section 266-24.1, Hawaii Revised Statutes, is amended to read:

**“Sec. 266-24.1 Arrest or citation.** Except when required by state law to take immediately before a district judge a person arrested for a violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part, any person authorized to enforce the provisions of this part, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part shall, in the discretion of the enforcement officer, either (1) issue to the purported

violator a summons or citation, printed in the form hereinafter described, warning him to appear and answer to the charge against him at a certain place and at a time within seven days after such arrest, or (2) take him without unnecessary delay before a district judge.

The summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the purported violator and the other copy or copies distributed in the manner prescribed by the district courts; provided that, the district courts may prescribe alternative methods of distribution for the original and any other copies.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer, upon his arrest for violation of any provision of this part, including any rule or regulation promulgated pursuant to this part, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$1,000, or be imprisoned not more than six months, or both.

In the event any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this part, including any rule or regulation promulgated thereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official of the department of transportation whose names have been submitted to the prosecuting officer and who have been designated by the director of transportation to administer the same."

SECTION 3. Section 267-6.1, Hawaii Revised Statutes, is amended to read:

**"Sec. 267-6.1 Arrest or citation.** Except when required by State law to take immediately before a district judge a person arrested for a violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part, any person authorized to enforce the provisions of this part, hereinafter referred to as enforcement officer, upon arresting a person for violation of any provision of this part, including any rule or regulation adopted and promulgated pursuant to this part shall, in the discretion of the enforcement officer, either (1) issue to the purported violator a summons or citation, printed in the form hereinafter described, warning him to appear and answer to the charge against him at a certain place and at a time within seven days after such arrest, or (2) take him without unnecessary delay before a district judge.

Said summons or citation shall be printed in a form comparable to the form of other summonses and citations used for arresting offenders and shall be designed to provide for inclusion of all necessary information. The form and content of such summons or citation shall be adopted or prescribed by the district courts.

The original of a summons or citation shall be given to the purported violator and the other copy or copies distributed in the manner prescribed by the district courts; provided that, the district courts may prescribe alternative methods of distribution for the original and any other copies.

Summonses and citations shall be consecutively numbered and the carbon copy or copies of each shall bear the same number.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him by the enforcement officer, upon his arrest for violation of any provision of this part, including any rule or regulation promulgated pursuant to this part, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than \$1,000, or be imprisoned not more than six months, or both.

In the event any person fails to comply with a summons or citation issued to such person, or if any person fails or refuses to deposit bail as required, the enforcement officer shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

When a complaint is made to any prosecuting officer of the violation of any provision of this part, including any rule or regulation promulgated thereunder, the enforcement officer who issued the summons or citation shall subscribe to it under oath administered by another official of the department of transportation whose names have been submitted to the prosecuting officer and who have been designated by the director of transportation to administer the same."

SECTION 4. Section 486-16, Hawaii Revised Statutes, is amended to read:

**"Sec. 486-16 Enforcement; summons or citation; penalty; right of entry and inspection; stopping vehicles.** The director and any authorized inspector may, upon arresting any person for violation of this chapter, including any rules and regulations promulgated thereunder, take the name, address, and any other pertinent information of such person and issue to him a summons and citation, printed in the form hereinafter described, summoning him to appear and answer to the charge against him at a certain place and at a time within seven days after such arrest.

There shall be a form of summons or citation for use in citing violators of this chapter and the rules and regulations promulgated by the director which do not mandate the physical arrest of such violators. The summons or citation shall be printed in a form commensurate with the form of other summons or citation used in modern methods of arrest and shall be designed to include all necessary information. The form and contents of the summons or citation shall be as adopted or prescribed by the district courts.

In every case when a summons or citation is issued the original of the

same shall be given to the violator; provided, that the district courts may prescribe the issuance to the violator of a carbon copy of the summons or citation and provide for the disposition of the original and any other copies. Every summons or citation shall be consecutively numbered and each carbon copy shall bear the number of its respective original.

Any person who fails to appear at the place and within the time specified in the summons or citation issued to him shall be fined not more than \$500 or imprisoned not more than six months, or both, regardless of the disposition of the charge of which he was originally arrested.

In the event any person fails to comply with the summons or citation given on such person, or if any person fails or refuses to deposit bail as required and within the time permitted, the arresting officer or employee who issued the citation shall cause a complaint to be entered against such person and secure the issuance of a warrant for his arrest.

The director may seize, without formal warrant, incorrect or unsealed weights and measures or amounts or packages of commodity found to be used, retained, offered, or exposed for sale or sold in violation of law.

The director may stop any vehicle subject to this chapter and require the driver to move the vehicle to a designated place for inspection.

The director may in the public interest serve suitable notices or warnings rather than resorting to prosecution for minor violations.

The director may enter and go into or upon at any reasonable time, without formal warrant, any structure, premises, or any other place where commercial transactions or articles subject to this chapter are being conducted or located.

When a complaint is made to any prosecuting officer of the violation of this chapter, including any rules and regulations promulgated thereunder, the arresting officer or employee who issued the summons or citation shall subscribe to it under oath administered by another official or officials of the department whose names have been submitted to the prosecuting officer and who have been designated by the Director of Weights and Measures to administer the same."

SECTION 5. New material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.\*

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

(Approved May 28, 1974.)

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\*Edited accordingly.