

ACT 122

H.B. NO. 1408

A Bill for an Act Relating to the Powers and Venue of the District Courts.

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

SECTION 1. Section 604-7, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 604-7 Powers; venue. (a) The district courts may:

(1) Administer oaths;

(2) Subpoena and compel the attendance of witnesses from any part of

the State, and compel the production of books, papers, documents or tangible things;

- (3) Enter final judgments; and alter or set aside any judgment within ten days following the date of its rendition or as provided by the rules of court;
- (4) Enforce judgments; and punishment contempts according to law;
- (5) Issue garnishee summons which shall be operative as to the garnishee throughout the judicial circuit in which the district court issuing the same is situated, except that where the garnishee of a government beneficiary is the comptroller of the State, the garnishee summons may be served and shall be operative throughout the State;
- (6) In a criminal case, alter, set aside, or suspend a sentence by way of mitigation or otherwise upon motion or plea of a defendant made within thirty days after imposition of the sentence.

Every witness duly subpoenaed as provided in this section shall be allowed the same attendance and mileage fees allowed witnesses subpoenaed before the circuit courts.

(b) Any document requiring the signature of a district judge, in any cause or proceeding whatsoever in a district court, may be signed without, as well as within, the boundaries of the circuit in which the court is situated.

(c) Except as otherwise provided in this chapter or chapter 666, a summons or other writ issued by a district court may be served only in the judicial circuit in which the district court is situated.

(d) Except as otherwise provided, civil actions shall be brought in the district court of the judicial circuit in which the defendant or a majority of the defendants reside or the claim for relief arose, unless there are parties whose presence is required for adjudication of the claim who cannot be served in that circuit, in which case the action may be brought in the district court of any circuit in which all of the parties can be served. The venue may be changed or the case transferred as provided by sections 604-7.3 and 604-7.4."

SECTION 2. Statutory material to be repealed is bracketed. In printing this Act, the revisor of statutes need not include the brackets or the bracketed material.*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 22, 1975.)

*Edited accordingly.