

A Bill for an Act Expanding the Jurisdiction of the District Courts.

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

SECTION 1. Purpose. The purpose of this Act is to expand the jurisdiction of the district courts in cases involving summary possession or ejectment where the defendant in the action may have a valid counterclaim for a debt, amount, or damages, or value of property in excess of \$5000 and to increase the amount of exclusive jurisdiction of the district court from \$500 to \$1000.

SECTION 2. Section 604-5(a) is hereby amended as follows:

“Sec. 604-5 Civil jurisdiction. (a) Except as otherwise provided, the district courts shall have jurisdiction in all civil actions, where the debt, amount, or damages, or the value of the property claimed, does not exceed \$5,000, except in civil actions involving summary possession or ejectment, in which case, the district court shall have jurisdiction over any counterclaim otherwise properly brought before the district court by any defendant in such summary possession or ejectment action if said counterclaim arises out of and refers to the land or premises, the possession of which is being sought, regardless of the value of the debt, amount, damages or property claim contained in the counterclaim. Attorney’s commissions or fees, including those stipulated in any note or contract sued on, interest, and costs, shall not be included in computing the jurisdictional amount. Subject to subsections (b) and (c), jurisdiction under this subsection shall be exclusive when the amount in controversy, so computed, does not exceed \$1000.

(b) The district courts shall try and determine all actions without a jury, subject to appeal according to law. Whenever a civil matter is triable of right by a jury and trial by jury is demanded in the manner and within the time provided by the rules of the court, the case shall be transferred to the circuit court. If the demand is made in the complaint and the matter is triable of right by a jury, the action may be commenced in the circuit court even though the amount in controversy does not exceed \$1000.

(c) Whenever a claim requires for its adjudication the presence of parties who cannot be served in the State, or cannot be served in a single circuit,

the action may be commenced in the circuit court even though the amount in controversy does not exceed \$1000, and if the action has been commenced in a district court it may be transferred to the circuit court.

(d) The district courts shall have jurisdiction in all statutory proceedings as conferred by law upon district courts.

(e) The district courts shall not have cognizance of real actions, nor actions in which the title to real estate comes in question, nor actions for libel, slander, defamation of character, malicious prosecution, false imprisonment, breach of promise of marriage, or seduction; nor shall they have power to appoint referees in any cause.”†

SECTION 3. This Act will take effect as of January 1, 1976.

(Approved May 16, 1975.)

†Edited in manner of other acts.