

ACT 119

H.B. NO. 251

A Bill for an Act Relating to the Extradition of Juvenile Fugitives.

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

SECTION 1. Chapter 571, Hawaii Revised Statutes, is amended by adding new sections, to be appropriately designated and to read as follows:

“Sec. 571- Any person who violates any law of this state defining a crime, and is at the time of the offense under the age of 18 years, and who thereafter flees from this state may be proceeded against in the manner provided by chapter 832, Hawaii Revised Statutes. Upon return of such person to this state by extradition or otherwise, proceedings shall be commenced in the manner provided for in this chapter.

Sec. 571- Any person who violates any law of another state defining a crime and is at the time of the offense under the age of 18 years, and who flees from justice and is found in this state may be proceeded against in the manner provided in chapter 832, Hawaii Revised Statutes. The circuit judge shall, for the purpose of detention, hold a hearing to determine whether the juvenile should be detained at the juvenile detention home or detention facility or in any other appropriate setting.”

SECTION 2. Section 571-32, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 571-32 Detention; shelter; release; notice. (a) If the child is not released as provided in section 571-31, he shall be taken without unnecessary

delay to the court or to the place of detention or shelter designated by the court. Any child taken into custody who requires care away from his home but who does not require secure physical restriction shall be given temporary care in any available foster family home or other shelter facility.

The officer or other person who brings a child to a detention or shelter facility shall at once give notice to the court, stating the legal basis therefor and the reason why the child was not released to his parents. In case the facility to which the child is taken is not an agency of the court, the person in charge of the facility in which the child is placed shall promptly give notice to the court that the child is in his custody. Prior to acceptance of the child for detention or shelter care, a prompt inquiry shall be made by a duly authorized staff member of the detention or shelter facility or officer of the court. Where it is deemed in the best interests of the child the judge or such officer or staff member or the director of detention services may then order the child or minor to be released, if possible, to the care of his parent, guardian, legal custodian, or other responsible adult, or he may order the child held in the facility subject to further order or placed in some other appropriate facility.

As soon as a child is detained, his parents, guardian, or legal custodian shall be informed, by personal contact or by notice in writing on forms prescribed by the court, that they may have a prompt hearing held by a circuit judge or district family judge regarding release or detention. A child may be released on the order of the judge with or without a hearing. The director of detention services may order the release of the child if an order of detention has not been made.

(b) No child shall be held in detention or shelter longer than forty-eight hours, excluding Sundays and court holidays, unless a petition has been filed or unless the judge shall otherwise order. No child may be so held longer than forty-eight hours, excluding Sundays and court holidays, after the filing of a petition unless an order for such continued detention or shelter has been signed by the judge.

(c) No child shall be released from such detention except in accordance with this chapter.

(d) No child shall at any time be detained in a police station, lockup, jail, or prison, except that, by the judge's order in which the reasons therefor shall be specified, a child whose conduct or condition endangers his own safety or the safety of others in the detention facility for children may be placed in some other place of confinement that the judge considers proper, including a jail or any other place of detention for adults.

(e) Where a child transferred for criminal proceedings in accordance with section 571-22 is detained, he shall be held in the detention facility used for persons charged with crime. When a child is ordered committed to an agency or institution, he shall be promptly transported to the place of commitment.

(f) Provisions regarding bail shall not be applicable to children detained in accordance with this chapter, except that bail may be allowed after a child has been transferred for criminal prosecution in accordance with section 571-22.

(g) The official in charge of a jail or other facility for the detention of adult offenders or person charged with crime shall inform the court immediately when a child who is or appears to be under eighteen years of age is received at the

facility.

(h) Any other provision of law to the contrary notwithstanding, any person otherwise subject to proceedings under chapter 832 who is under the age of eighteen may be confined in a detention facility, jail or correctional facility by order of a judge for the purposes set forth in section 832-12, 832-15 or 832-17.”

SECTION 3. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 4. This Act shall take effect upon its approval.

(Approved May 31, 1977.)

*Edited accordingly.