

ACT 5

H.B. NO. 2298

A Bill for an Act Relating to Disqualification of Judges.

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

SECTION 1. Section 601-7, Hawaii Revised Statutes, is amended by amending subsection (a) to read as follows:

“(a) No person shall sit as a judge in any case in which ~~the~~:

- (1) The judge’s relative by affinity or consanguinity within the third degree is counsel, or interested either as a plaintiff or defendant, or in the issue of which the judge has, either directly or through such relative, ~~[any] a more than de minimis~~ pecuniary interest; ~~[nor shall any person sit as a judge in any case in which the]~~ or

- (2) The judge has been of counsel or on an appeal from any decision or judgment rendered by the judge[-];

provided that no interests held by mutual or common funds, the investment or divestment of which are not subject to the direction of the judge, shall be considered pecuniary interests for purposes of this section; and after full disclosure on the record, parties may waive disqualification due to any pecuniary interest.”

SECTION 2. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved April 15, 2004.)