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# A BILL FOR AN ACT

RELATING TO ACCUSED TO TRANSPORT WITNESS OR WITNESSES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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

4           "§571-    Accused to transport witness or witnesses.    (a)

5           In any criminal matter triable in the family courts of the  
6 various circuit courts, the court may require the accused to  
7 transport a witness or witnesses, including a complaining  
8 witness or witnesses, to any court proceeding, whenever the  
9 following conditions are met:

10           (1) The accused agrees to transport the witness or  
11           witnesses to court; and

12           (2) The prosecution has made a showing that each witness  
13           has information material to the determination of a  
14           fact at issue and is a minor, elderly person, or  
15           incapacitated person who:

16           (A) Is residing or believed to be residing at the  
17           same address or residential unit as the accused,  
18           and the prosecution's reasonable diligent efforts



1                   to obtain the attendance of the witness or  
2                   witnesses in court through service of process  
3                   have been unsuccessful; or

4            (B) Is under the sole physical or legal custody of  
5                   the accused.

6            (b) As used in this section:

7            "Elderly person" means a person sixty years of age or over.

8            "Incapacitated person" means a person who is physically or  
9 mentally incapable of transporting himself or herself to court."

10           SECTION 2. New statutory material is underscored.

11           SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Accused to Transport Witness or Witnesses; Prosecuting  
Attorney's Package

**Description:**

Allows family courts to require the accused to transport certain  
witnesses to any family court proceeding under certain  
conditions. Effective 07/01/50. (SD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

