

STAND. COM. REP. NO. 706

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 489

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2017
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 489 entitled:

"A BILL FOR AN ACT RELATING TO RESPONSE TO WRIT FOR CERTIORARI,"

begs leave to report as follows:

The purpose and intent of this measure is to authorize the Clerk of the Court to grant a single extension of no more than fifteen days for filing with the Supreme Court a response to an application for writ of certiorari upon timely written request of a party; and clarify what constitutes a timely request for an extension.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney, City and County of Honolulu and one individual.

Your Committee finds that this measure ensures that a responding party to an application for writ of certiorari in civil or criminal cases is given equal opportunity to respond to an application.

Your Committee has amended this measure by:

- (1) Replacing references to "opposition" with "response" for purposes of consistency; and



- (2) Inserting an effective date of January 7, 2059, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 489, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 489, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,


GILBERT S.C. KEITH-AGARAN Chair



The Senate
Twenty-Ninth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* SB 489	Committee Referral: JDL	Date: 2/28/17		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike				✓
KIM, Donna Mercado				✓
THIELEN, Laura H.	✓			
TOTAL	3	0	0	2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes