

JAN 20 2017

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# A BILL FOR AN ACT

RELATING TO RESPONSE TO WRIT FOR CERTIORARI.

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

1           SECTION 1. Section 602-59, Hawaii Revised Statutes, is  
2 amended by amending subsection (c) to read as follows:  
3           "(c) An application for a writ of certiorari may be filed  
4 with the supreme court no later than thirty days after the  
5 filing of the judgment or dismissal order of the intermediate  
6 appellate court. Upon a written request filed prior to the  
7 expiration of the thirty-day period, a party may extend the time  
8 for filing an application for a writ of certiorari for no more  
9 than an additional thirty days. Opposition to an application  
10 for a writ of certiorari may be filed no later than fifteen days  
11 after the application is filed. Upon a timely written request  
12 by a party, the clerk of the court shall grant one extension of  
13 time for no more than fifteen days for filing a response to an  
14 application for a writ of certiorari. The clerk of the court  
15 shall note on the record that the extension was granted. The  
16 clerk of the court shall give notice that the request is timely  
17 and granted. A request is timely only if it is received by the



1 clerk of the court within the original time for filing of the  
2 response. The supreme court shall determine to accept the  
3 application within thirty days after an objection is or could  
4 have been filed. The failure of the supreme court to accept  
5 within thirty days shall constitute a rejection of the  
6 application."

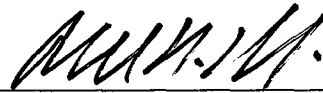
7 SECTION 2. This Act does not affect rights and duties that  
8 matured, penalties that were incurred, and proceedings that were  
9 begun before its effective date.

10 SECTION 3. New statutory material is underscored.

11 SECTION 4. This Act shall take effect upon its approval;  
12 provided that section 602-59(c), Hawaii Revised Statutes, shall  
13 apply in the form in which it read on the day before the  
14 effective date of this Act to cases in which the intermediate  
15 appellate court's judgment or dismissal order was filed before  
16 the effective date of this Act.

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INTRODUCED BY:



By Request



# S.B. NO. 489

**Report Title:**

Honolulu Prosecuting Attorney Package; Certiorari; Writ;  
Response; Time; Extension

**Description:**

Extends the time period for filing a response to an application for writ of certiorari with the supreme court from 15 days to 30 days.

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

