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## A BILL FOR AN ACT

RELATING TO COURT ADVISEMENT CONCERNING ALIEN STATUS.

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

1           SECTION 1. Chapter 802E, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4           "§802E- Court advisement prior to arraignment and plea  
5 concerning alien status required. (a) Prior to the  
6 commencement of a defendant's arraignment and plea hearing for  
7 an offense punishable as a crime under state law, except  
8 offenses designated as infractions under state law, the court  
9 shall administer the following advisement on the record to all  
10 defendants present:

11           If you are not a citizen of the United States, whether or  
12 not you have lawful immigration status, you have the right  
13 to receive advice from your attorney about the specific  
14 impact that this case will have, if any, on your  
15 immigration status. The entry of a guilty or nolo  
16 contendere plea, admission of sufficient facts to prove  
17 guilt, deferred plea or sentence, or a conviction of the  
18 offense for which you have been charged, may have the



1 consequences of your immediate detention, deportation,  
2 exclusion from admission to the United States, or denial of  
3 naturalization pursuant to the laws of the United States.  
4 In some cases, detention and deportation from the United  
5 States will be required. Your lawyer must investigate and  
6 advise you about these issues prior to the commencement of  
7 trial, entry of a plea of guilty or nolo contendere, or  
8 admission of sufficient facts to prove guilt to any  
9 offense. You are not required to disclose your immigration  
10 or citizenship status to the court."

11 SECTION 2. Section 802E-2, Hawaii Revised Statutes, is  
12 repealed.

13 ~~["**[§802E-2] Court advisement concerning alien status**~~  
14 ~~**required.** Prior to acceptance of a plea of guilty or nolo~~  
15 ~~contendere to any offense punishable as a crime under state law,~~  
16 ~~except offenses designated as infractions under state law, the~~  
17 ~~court shall administer the following advisement on the record to~~  
18 ~~the defendant:~~

19 ~~If you are not a citizen of the United States, you are~~  
20 ~~hereby advised that conviction of the offense for which you~~  
21 ~~have been charged may have the consequences of deportation,~~



1 ~~exclusion from admission to the United States, or denial of~~  
2 ~~naturalization pursuant to the laws of the United States.~~  
3 ~~Upon request, the court shall allow the defendant~~  
4 ~~additional time to consider the appropriateness of the plea in~~  
5 ~~light of the advisement as described in this section."]~~

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on July 1, 2013.



**Report Title:**

Court Advisement of Aliens; Guilty Plea; Admission to United States

**Description:**

Requires the court to advise a criminal defendant of the effects of a guilty or no contest plea on alien status in certain criminal proceedings. Effective July 1, 2013. (SD1)

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

