

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the Amendment
of the
Hawai'i Rules of Penal Procedure

E.M. RIVARDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

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FILED

ORDER AMENDING RULE 7(f)
OF THE HAWAI'I RULES OF PENAL PROCEDURE

(By: Moon, C.J.; Levinson, Nakayama, Acoba, and Duffy JJ.)

IT IS HEREBY ORDERED that Rule 7(f) of the Hawai'i Rules of Penal Procedure is amended, effective July 1, 2005, as follows (deleted material is bracketed and stricken, new material is underlined):

(f) Amendment.

(1) The court may permit a charge other than an indictment to be amended at any time before trial commences [~~verdict or finding if no additional or different offense is charged and~~] if substantial rights of the defendant are not prejudiced.

(2) The court may permit a charge other than an indictment to be amended after trial commences and before verdict or finding if the defendant personally, knowingly, and voluntarily agrees to the amendment on the record.

DATED: Honolulu, Hawai'i, March 9, 2005.

[Signature]

Steven Levinson

Faumu A. Nakayama

[Signature]
Conor E. Duffy, Jr.

