

EM. RIMANDO
CLERK, APPELLATE COURTS
STATE OF HAWAII

2005 JUN -2 AM 8:02

FILED

IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the Amendment

of the

Hawai'i Rules of Court

ORDER AMENDING THE HAWAII RULES OF COURT

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

IT IS HEREBY ORDERED that the rules of court identified below are added or amended as indicated (new material is underlined; bracketed and stricken material is deleted), effective July 1, 2005:

1. Rule 44(b)(1) of the Hawai'i Rules of Penal Procedure is amended as follows:

(b) In the District Court.

(1) After the decision or ruling of the court following a hearing on a motion, the clerk shall note the decision or ruling on the [~~calendar~~] docket. The filing of the written decision or ruling, or in the event of an oral decision or ruling, the filing of the written notice of entry of the decision or ruling, in the office of the clerk constitutes entry of the order. The decision or ruling or notice of entry shall be signed by the judge or by the clerk, if the judge so directs, provided that for purposes of this rule, an oral order granting an oral motion is entered when the court's oral order is entered by the clerk on the electronic docket.

* * *

2. Rule 50.1(b) of the Hawai'i Rules of Penal Procedure is amended as follows:

RULE 50.1 PREPARATION OF CLERK'S MINUTES AND EXHIBIT LISTS; WITHDRAWAL OF EXHIBITS

* * *

(b) Exhibits.

(1) CIRCUIT COURT. The court shall cause an exhibit list to be prepared that shall indicate exhibits marked and received. Upon notice and written order of the court, an exhibit may be withdrawn.

(2) DISTRICT COURT. All exhibits received shall be filed and noted on the court ~~[calendar]~~ docket. Upon notice and approval of the court, an exhibit may be withdrawn.

3. Rule 16(a) of the Hawai'i Civil Traffic Rules is amended as follows:

Rule 16. JUDGMENT.

(a) In Favor of the State. If the court determines that a traffic infraction has been committed, judgment shall be entered in favor of the State. The court may assess a monetary assessment which may include a fine and court costs along with points, if any. The fine cannot exceed the maximum fine specified in the statute. For purposes of this rule, submission of payment before judgment shall be deemed a confession of judgment and notation of payment on the electronic docket shall be deemed entry and satisfaction of the judgment.

4. A new rule is added to the Rules of the District Court, in now reserved section (e) of Rule 2 as follows:

Rule 2. FILING PROCEDURE.

* * *

(e) ~~[Reserved.]~~ Signatures. Any order or judgment that is filed electronically bearing a facsimile signature in lieu of an original signature of a judge or clerk has the same force and effect as if the judge or

clerk had affixed the judge's or clerk's signature to a paper copy of the order or judgment and it had been entered on the docket in a conventional manner.

DATED: Honolulu, Hawai'i, June 02, 2005.

J. Johnson

Steven Stevenson

F. L. ...

[Signature]

James E. ...

