

In the Matter of the Amendment
of the
HAWAII RULES OF PENAL PROCEDURE

ORDER AMENDING RULE 32(b)
OF THE HAWAII RULES OF PENAL PROCEDURE

IT IS HEREBY ORDERED that Rule 32(b) of the Hawaii Rules of Penal Procedure is amended, effective January 1, 2006, as follows (deleted material is bracketed and stricken; new material is double-underscored):

Rule 32. SENTENCE AND JUDGMENT.

* * *

(b) Notification of right to appeal. After imposing sentence, the court shall advise the defendant of his right to appeal, of the time within which a notice of appeal must be filed, and of the right of a person who is unable to pay the cost of an appeal to apply for leave to appeal [~~in forma pauperis~~] without paying the filing fee; provided, however, that there shall be no duty on the court to give such advice in any case in which the defendant is represented by an attorney, is convicted on a plea of guilty or nolo contendere, or is convicted of an offense not a felony or misdemeanor. If the defendant so requests, the clerk shall prepare and file forthwith a notice of appeal on behalf of the defendant.

DATED: Honolulu, Hawaii, September 22, 2005.