

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
FILING OF WRITTEN CRIMINAL COMPLAINTS
IN THE DISTRICT COURTS OF THE FIRST, THIRD, AND FIFTH
CIRCUITS OF THE STATE OF HAWAI'I

THIRD AMENDED
ORDER ESTABLISHING PILOT PROJECT FOR SUBMITTING WRITTEN
CRIMINAL COMPLAINTS BY ELECTRONIC MAIL IN THE DISTRICT COURTS OF
THE FIRST THIRD AND FIFTH CIRCUITS OF THE STATE OF HAWAI'I
(By: Moon, C.J., Nakayama, Acoba, Duffy, and Recktenwald, JJ.)

In consideration of the implementation of court rules requiring that certain criminal charges be levied by written complaint, the ability of our Clerks' offices to accept electronic mail with attachments and the concerns of Clerks and Prosecutors about the timely submission of criminal complaints so that hearings may be scheduled and calendars prepared timely,

IT IS HEREBY ORDERED that a pilot project for submitting criminal complaints in the District Courts of the First, Third, and Fifth Circuits of the State of Hawai'i by electronic mail is established and shall be effective from January 1, 2008 through June 30, 2010, or such other period as provided by subsequent order of this court. During the pilot project period:

1. The Clerks of the Districts Courts of the First, Third, and Fifth Circuits of the State of Hawai'i are authorized,

but not required, to accept written criminal complaints by way of an Adobe Portable Document Format [hereinafter, Adobe PDF complaint] or locked Word format [hereinafter, locked Word complaint] attachment to electronic mail.

2. The County Prosecutors and the Attorney General and their duly authorized deputies [hereinafter, collectively, Prosecutors] may submit written criminal Adobe PDF or locked Word complaints by email attachment addressed to the email account(s) designated by the Deputy Chief Clerks of each circuit.

3. Adobe PDF or locked Word complaints shall be generated by electronically converting the original word processing document to Adobe PDF or locked Word format and not by scanning.

4. An Adobe PDF or locked Word complaint shall be emailed to the appropriate court at the address provided by the Clerk from the official email address of the prosecutor submitting the Adobe PDF or locked Word complaint.

5. An Adobe PDF or locked Word complaint submitted by email that bears the facsimile signature of a prosecutor and the prosecutor's attorney identification number has the same force and effect as the prosecutor's handwritten signature on any written complaint, provided the email by which the complaint was submitted originates from an official email address known to the Clerk. For purposes of this order and any rules of court, the

facsimile signature may be either an image of a handwritten signature or the software printed name of the prosecutor preceded by /s/.

IT IS FURTHER ORDERED that the Deputy Chief Clerks shall, not later than 3 months before the expiration of this order, report to the supreme court about the extent of the email filing authorized by this order and any problems, concerns, and recommendations regarding this pilot project.

DATED: Honolulu, Hawai'i, December 21, 2009.