

SCRU-11-0000083

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

In the Matter of the
HAWAI'I RULES OF PENAL PROCEDURE

ORDER AMENDING RULE 43 OF THE
HAWAI'I RULES OF PENAL PROCEDURE

(By: Recktenwald, C.J., Nakayama, McKenna, Pollack, and Wilson, JJ.)

IT IS HEREBY ORDERED that Rule 43 of the Hawai'i Rules of Penal Procedure, is amended, effective January 1, 2016, as follows (new material is underscored):

Rule 43. PRESENCE OF THE DEFENDANT.

* * *

(e) Presence may be by video conference.

- (1) The court may conduct by video conference, without the consent of the defendant, an arraignment wherein it accepts a plea of not guilty;
- (2) The court may conduct by video conference, with the oral or written consent of the defendant,
 - (A) an arraignment wherein it accepts, or takes under advisement, a plea of guilty or no contest,
 - (B) a pre-trial evidentiary or non-evidentiary proceeding, or
 - (C) a post-conviction evidentiary or non-evidentiary proceeding, other than a sentencing hearing.

(3) The court may conduct a sentencing hearing and impose sentence by video conference with the oral or written consent of both the prosecution and the defendant.

DATED: Honolulu, Hawai'i, October 22, 2015.

/s/ Mark E. Recktenwald

/s/ Paula A. Nakayama

/s/ Sabrina S. McKenna

/s/ Richard W. Pollack

/s/ Michael D. Wilson

