## A BILL FOR AN ACT

RELATING TO PRETRIAL RELEASE.

#### BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

SECTION 1. Section 804-7.1, Hawaii Revised Statutes, is 1 2 amended to read as follows: 3 "§804-7.1 Conditions of release on bail, recognizance, or 4 supervised release. Upon a showing that there exists a danger 5 that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere 6 7 with the orderly administration of justice, the judicial officer 8 named in section 804-5 may deny the defendant's release on bail, 9 recognizance, or supervised release. Upon the defendant's release on bail, recognizance, or supervised release, however, 10 11 the court may enter an order: 12 Prohibiting the defendant from approaching or 13 communicating with particular persons or classes of 14 persons, except that no such order [should] shall be 15 deemed to prohibit any lawful and ethical activity of defendant's counsel; 16 Prohibiting the defendant from going to certain 17 (2)

described geographical areas or premises;

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1	(3)	Prohibiting the defendant from possessing any
2		dangerous weapon, engaging in certain described
3		activities, or indulging in intoxicating liquors
4		[+]or[+] certain drugs;
5	(4)	Requiring the defendant to report regularly to and
6		remain under the supervision of an officer of the
7		court;
8	(5)	Requiring the defendant to maintain employment, or, if
9		unemployed, to actively seek employment, or attend an
10		educational or vocational institution;
11	(6)	Requiring the defendant to comply with a specified
12		curfew;
13	(7)	Requiring the defendant to seek and maintain mental
14		health treatment or testing, including treatment for
15		drug or alcohol dependency, or to remain in a
16		specified institution for that $purpose[+]$ , and, at the
17		defendant's own expense, to submit to alcohol testing
18		or monitoring for alcohol use by a secure continuous
19		remote alcohol monitor;
20	(8)	Requiring the defendant to remain in the jurisdiction
21		of the judicial circuit in which the charges are
22		pending unless approval is obtained from a court of

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the court[**], and, at the defendant's own expense, to  submit to electronic monitoring of the defendant's  whereabouts;  (9) Requiring the defendant to satisfy any other condition  reasonably necessary to assure the appearance of the  person as required and to assure the safety of any  other person or community; or  (10) Imposing any combination of conditions listed above.  The judicial officer may revoke a defendant's bail upon  proof that the defendant has breached any of the conditions  imposed."  SECTION 2. Statutory material to be repealed is bracketed  and stricken. New statutory material is underscored.  SECTION 3. This Act shall take effect upon its approval.  INTRODUCED BY:	1		competent jurisdiction to leave the jurisdiction of	
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/ In Plans	15	SECTION 3. This Act shall take effect upon its approval.		
	16		INTRODUCED BY: Curly Comments  JAN 2 2 2008	

### Report Title:

Pretrial Release; Monitoring of Offenders

### Description:

Allows court to order that defendants on pretrial release be subject to electronic and alcohol monitoring at the defendant's own expense.