

JAN 17 2014

A BILL FOR AN ACT

RELATING TO INFORMATION CHARGING.

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

SECTION 1. Section 806-83, Hawaii Revised Statutes, is amended to read as follows:

"§806-83 Felonies for which criminal charges may be instituted by written information. (a) Criminal charges may be instituted by written information for a felony when the charge is a class C felony, except under section ~~[19-3.5 (voter fraud); section 128D-10 (knowing releases); section 132D-14(a)(1), (2)(A), and (3) (relating to penalties for failure to comply with requirements of sections 132D-7, 132D-10, and 132D-16); section 134-24 (place to keep unloaded firearms other than pistols and revolvers); section 134-7(a) and (b) (ownership or possession prohibited); section 134-8 (ownership, etc., of automatic firearms, silencers, etc., prohibited; penalties); section 134-9 (licenses to carry); section 134-17(a) (relating to false information or evidence concerning psychiatric or criminal history); section 134-51 (deadly weapons); section 134-52 (switchblade knives); section 134-53 (butterfly knives); section 188-23 (possession or use of explosives, electrofishing~~



1 ~~devices, and poisonous substances in state waters prohibited);~~
2 ~~section 231-34 (attempt to evade or defeat tax); section 231-36~~
3 ~~(false and fraudulent statements); section 245-37 (sale or~~
4 ~~purchase of packages of cigarettes without stamps); section 245-~~
5 ~~38 (vending unstamped cigarettes); section 245-51 (export and~~
6 ~~foreign cigarettes prohibited); section 245-52 (alteration of~~
7 ~~packaging prohibited); section 291C-12.5 (accidents involving~~
8 ~~substantial bodily injury); section 291E-61.5 (habitually~~
9 ~~operating a vehicle under the influence of an intoxicant);~~
10 ~~section 329-41 (prohibited acts B--penalties); section 329-42~~
11 ~~(prohibited acts C--penalties); section 329-43.5 (prohibited~~
12 ~~acts related to drug paraphernalia); section 329C-2~~
13 ~~(manufacture, distribution, or possession with intent to~~
14 ~~distribute an imitation controlled substance to a person under~~
15 ~~eighteen years of age); section 346-34(d)(2) and (e) (relating~~
16 ~~to fraud involving food stamps or coupons); section 346-43.5~~
17 ~~(medical assistance frauds; penalties); section 383-141 (falsely~~
18 ~~obtaining benefits, etc.); section 431:2-403(b)(2) (insurance~~
19 ~~fraud); section 482D-7 (violation of fineness standards and~~
20 ~~stamping requirements); section 485A-301 (securities~~
21 ~~registration requirement); section 485A-401 (broker-dealer~~
22 ~~registration requirement and exemptions); section 485A-402~~



1 ~~(agent registration requirement and exemptions); section 485A-~~
2 ~~403 (investment advisor registration requirement and~~
3 ~~exemptions); section 485A-404 (investment advisor representative~~
4 ~~registration requirement and exemptions); section 485A-405~~
5 ~~(federal covered investment advisor notice filing requirement);~~
6 ~~section 485A-501 (general fraud); section 485A-502 (prohibited~~
7 ~~conduct in providing investment advice); section 707-703~~
8 ~~(negligent homicide in the second degree); section 707-705~~
9 ~~(negligent injury in the first degree); section 707-711 (assault~~
10 ~~in the second degree); section 707-713 (reckless endangering in~~
11 ~~the first degree); section 707-721 (unlawful imprisonment in the~~
12 ~~first degree); section 707-726 (custodial interference in the~~
13 ~~first degree); section 707-757 (electronic enticement of a child~~
14 ~~in the second degree); section 707-766 (extortion in the second~~
15 ~~degree); section 708-811 (burglary in the second degree);~~
16 ~~section 708-812.6 (unauthorized entry in a dwelling); section~~
17 ~~708-821 (criminal property damage in the second degree); section~~
18 ~~708-831 (theft in the second degree); section 708-833.5~~
19 ~~(shoplifting); section 708-835.5 (theft of livestock); section~~
20 ~~708-836 (unauthorized control of propelled vehicle); section~~
21 ~~708-836.5 (unauthorized entry into motor vehicle in the first~~
22 ~~degree); section 708-839.5 (theft of utility services); section~~



1 ~~708-839.55 (unauthorized possession of confidential personal~~
2 ~~information); section 708-839.8 (identity theft in the third~~
3 ~~degree); section 708-852 (forgery in the second degree); section~~
4 ~~708-854 (criminal possession of a forgery device); section 708-~~
5 ~~858 (suppressing a testamentary or recordable instrument);~~
6 ~~section 708-875 (trademark counterfeiting); section 708-891.5~~
7 ~~(computer fraud in the second degree); section 708-892.5~~
8 ~~(computer damage in the second degree); section 708-895.6~~
9 ~~(unauthorized computer access in the second degree); section~~
10 ~~708-8100 (fraudulent use of a credit card); section 708-8102~~
11 ~~(theft, forgery, etc., of credit cards); section 708-8103~~
12 ~~(credit card fraud by a provider of goods or services); section~~
13 ~~708-8104 (possession of unauthorized credit card machinery or~~
14 ~~incomplete cards); section 708-8200 (cable television service~~
15 ~~fraud in the first degree); section 708-8202 (telecommunication~~
16 ~~service fraud in the first degree); section 709-903.5~~
17 ~~(endangering the welfare of a minor in the first degree);~~
18 ~~section 709-906 (abuse of family or household members); section~~
19 ~~710-1016.3 (obtaining a government-issued identification~~
20 ~~document under false pretenses in the first degree); section~~
21 ~~710-1016.6 (impersonating a law enforcement officer in the first~~
22 ~~degree); section 710-1017.5 (sale or manufacture of deceptive~~



1 ~~identification document); section 710-1018 (securing the~~
2 ~~proceeds of an offense); section 710-1021 (escape in the second~~
3 ~~degree); section 710-1023 (promoting prison contraband in the~~
4 ~~second degree); section 710-1024 (bail jumping in the first~~
5 ~~degree); section 710-1029 (hindering prosecution in the first~~
6 ~~degree); section 710-1060 (perjury); section 710-1072.5~~
7 ~~(obstruction of justice); section 711-1103 (riot); section 711-~~
8 ~~1109.3 (cruelty to animals; fighting dogs); section 711-1110.9~~
9 ~~(violation of privacy in the first degree); section 711-1112~~
10 ~~(interference with the operator of a public transit vehicle);~~
11 ~~section 712-1221 (promoting gambling in the first degree);~~
12 ~~section 712-1222.5 (promoting gambling aboard ships); section~~
13 ~~712-1224 (possession of gambling records in the first degree);~~
14 ~~section 712-1243 (promoting a dangerous drug in the third~~
15 ~~degree); section 712-1246 (promoting a harmful drug in the third~~
16 ~~degree); section 712-1247 (promoting a detrimental drug in the~~
17 ~~first degree); section 712-1249.6 (promoting a controlled~~
18 ~~substance in, on, or near schools, school vehicles, or public~~
19 ~~parks); section 803-42 (interception, access, and disclosure of~~
20 ~~wire, oral, or electronic communications, use of pen register,~~
21 ~~trap and trace device, and mobile tracking device prohibited);~~
22 ~~or section 846E-9 (failure to comply with covered offender~~



1 ~~registration requirements).~~] 707-712.5 (assault against a law
2 enforcement officer in the first degree); section 707-732
3 (sexual assault in the third degree); section 707-741 (incest);
4 section 707-752 (promoting child abuse in the third degree);
5 section 709-904.5 (compensation by an adult of juveniles for
6 crimes); 710-1070 (bribery of or by a witness); section 710-1071
7 (intimidating a witness); section 710-1072.2 (retaliating
8 against a witness); 710-1073 (bribery of or by a juror); section
9 710-1075 (jury tampering); section 710-1075.5 (retaliating
10 against a juror); section 711-1106.4 (aggravated harassment by
11 stalking); section 711-1110.9 (violation of privacy in the first
12 degree); section 712-1208 (promoting travel for prostitution);
13 section 712-1215 (promoting pornography for minors); section
14 712-1218 (failure to maintain age verification records of sexual
15 performers); section 712-1218.5 (failure to maintain age
16 verification records of sexually exploited individuals); and
17 section 712-1219 (failure to affix information disclosing
18 location of age verification records of sexual performers).

19 (b) Criminal charges may be instituted by written
20 information for a felony when the charge is a class B felony,
21 except under section [134-7(b) (ownership or possession
22 prohibited, when; penalty); 134-23 (place to keep loaded



~~firearms other than pistols and revolvers; penalties); section 134-25 (place to keep pistol or revolver; penalty); section 134-26 (carrying or possessing a loaded firearm on a public highway; penalty); section 329-43.5 (prohibited acts related to drug paraphernalia); section 708-810 (burglary in the first degree); section 708-830.5 (theft in the first degree); section 708-839.7 (identity theft in the second degree); section 708-851 (forgery in the first degree); section 708-891 (computer fraud in the first degree); section 708-892 (computer damage in the first degree); section 712-1240.8 (methamphetamine trafficking in the second degree); section 712-1242 (promoting a dangerous drug in the second degree); section 712-1245 (promoting a harmful drug in the second degree); or section 712-1249.5 (commercial promotion of marijuana in the second degree).]~~ 707-720 (kidnapping); section 707-731 (sexual assault in the second degree); section 707-751 (promoting child abuse in the second degree); section 708-841 (robbery in the second degree); section 710-1031 (intimidating a correctional worker); and section 712-1203 (promoting prostitution in the second degree).

(c) Criminal charges may be instituted by written information for a felony when the charge is a felony under section 19-3 (election frauds); section 480-4 (combinations in



1 restraint of trade, price-fixing and limitation of production
2 prohibited); section 480-6 (refusal to deal); or section 480-9
3 (monopolization).

4 (d) Criminal charges may be instituted by written
5 information for a felony when the charge is a charge under
6 section 329-46 (prohibited acts related to visits to more than
7 one practitioner to obtain controlled substance prescriptions)
8 and the comparable offense under part IV of chapter 712 ~~[as]~~ is
9 not enumerated in subsection (a), (b), or (c).

10 (e) Criminal charges may be instituted by written
11 information for a felony when the charge is a charge that
12 involves section 702-221 (liability for conduct of another),
13 section 702-222 (liability for the conduct of another;
14 complicity), section 702-223 (liability for the conduct of
15 another; complicity with respect to the result), section 705-500
16 (criminal attempt), section 705-510 (criminal solicitation), or
17 section 705-520 (criminal conspiracy), and the underlying
18 offense is an offense not listed ~~[above]~~ in subsection (a), (b),
19 (c), or (d)."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2014.
4

INTRODUCED BY:

~~SEN. A.C. KIRK-AG~~

Rosey D. Bahr

Gilbert K. Lewis



Walter H.

Will Ezew



S.B. NO. 2405

Report Title:

Information Charging; Crime; Felony

Description:

Authorizes all class B and C felony charges to be instituted by written information subject to specified exceptions.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

