

JAN 23 2015

A BILL FOR AN ACT

RELATING TO INFORMATION CHARGING.

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

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



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1 ~~section 188-23 (possession or use of explosives, electrofishing~~
2 ~~devices, and poisonous substances in state waters prohibited);~~
3 ~~section 231-34 (attempt to evade or defeat tax); section 231-36~~
4 ~~(false and fraudulent statements); section 245-37 (sale or~~
5 ~~purchase of packages of cigarettes without stamps); section~~
6 ~~245-38 (vending unstamped cigarettes); section 245-51 (export~~
7 ~~and foreign cigarettes prohibited); section 245-52 (alteration~~
8 ~~of packaging prohibited); section 291C-12.5 (accidents involving~~
9 ~~substantial bodily injury); section 291E-61.5 (habitually~~
10 ~~operating a vehicle under the influence of an intoxicant);~~
11 ~~section 329-41 (prohibited acts B penalties); section 329-42~~
12 ~~(prohibited acts C penalties); section 329-43.5 (prohibited~~
13 ~~acts related to drug paraphernalia); section 329C-2~~
14 ~~(manufacture, distribution, or possession with intent to~~
15 ~~distribute an imitation controlled substance to a person under~~
16 ~~eighteen years of age); section 346-34(d)(2) and (e) (relating~~
17 ~~to fraud involving food stamps or coupons); section 346-43.5~~
18 ~~(medical assistance frauds; penalties); section 383-141 (falsely~~
19 ~~obtaining benefits, etc.); section 431:2-403(b)(2) (insurance~~
20 ~~fraud); section 482D-7 (violation of fineness standards and~~
21 ~~stamping requirements); section 485A-301 (securities~~



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1 ~~registration requirement); section 485A 401 (broker dealer~~
2 ~~registration requirement and exemptions); section 485A 402~~
3 ~~(agent registration requirement and exemptions); section~~
4 ~~485A 403 (investment advisor registration requirement and~~
5 ~~exemptions); section 485A 404 (investment advisor representative~~
6 ~~registration requirement and exemptions); section 485A 405~~
7 ~~(federal covered investment adviser notice filing requirement);~~
8 ~~section 485A 501 (general fraud); section 485A 502 (prohibited~~
9 ~~conduct in providing investment advice); section 707 703~~
10 ~~(negligent homicide in the second degree); section 707 705~~
11 ~~(negligent injury in the first degree); section 707 711 (assault~~
12 ~~in the second degree); section 707 713 (reckless endangering in~~
13 ~~the first degree); section 707 721 (unlawful imprisonment in the~~
14 ~~first degree); section 707 726 (custodial interference in the~~
15 ~~first degree); section 707 757 (electronic enticement of a child~~
16 ~~in the second degree); section 707 766 (extortion in the second~~
17 ~~degree); section 708 811 (burglary in the second degree);~~
18 ~~section 708 812.6 (unauthorized entry in a dwelling); section~~
19 ~~708 821 (criminal property damage in the second degree); section~~
20 ~~708 831 (theft in the second degree); section 708 833.5~~
21 ~~(shoplifting); section 708 835.5 (theft of livestock); section~~



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1 ~~708 836 (unauthorized control of propelled vehicle); section~~
2 ~~708 836.5 (unauthorized entry into motor vehicle in the first~~
3 ~~degree); section 708 839.5 (theft of utility services); section~~
4 ~~708 839.55 (unauthorized possession of confidential personal~~
5 ~~information); section 708 839.8 (identity theft in the third~~
6 ~~degree); section 708 852 (forgery in the second degree); section~~
7 ~~708 854 (criminal possession of a forgery device); section~~
8 ~~708 858 (suppressing a testamentary or recordable instrument);~~
9 ~~section 708 875 (trademark counterfeiting); section 708 891.5~~
10 ~~(computer fraud in the second degree); section 708 892.5~~
11 ~~(computer damage in the second degree); section 708 895.6~~
12 ~~(unauthorized computer access in the second degree); section~~
13 ~~708 8100 (fraudulent use of a credit card); section 708 8102~~
14 ~~(theft, forgery, etc., of credit cards); section 708 8103~~
15 ~~(credit card fraud by a provider of goods or services); section~~
16 ~~708 8104 (possession of unauthorized credit card machinery or~~
17 ~~incomplete cards); section 708 8200 (cable television service~~
18 ~~fraud in the first degree); section 708 8202 (telecommunication~~
19 ~~service fraud in the first degree); section 709 903.5~~
20 ~~(endangering the welfare of a minor in the first degree);~~
21 ~~section 709 906 (abuse of family or household members); section~~



1 ~~710 1016.3 (obtaining a government issued identification~~
2 ~~document under false pretenses in the first degree); section~~
3 ~~710 1016.6 (impersonating a law enforcement officer in the first~~
4 ~~degree); section 710 1017.5 (sale or manufacture of deceptive~~
5 ~~identification document); section 710 1018 (securing the~~
6 ~~proceeds of an offense); section 710 1021 (escape in the second~~
7 ~~degree); section 710 1023 (promoting prison contraband in the~~
8 ~~second degree); section 710 1024 (bail jumping in the first~~
9 ~~degree); section 710 1029 (hindering prosecution in the first~~
10 ~~degree); section 710 1060 (perjury); section 710 1072.5~~
11 ~~(obstruction of justice); section 711 1103 (riot); section~~
12 ~~711 1109.3 (cruelty to animals; fighting dogs); section~~
13 ~~711 1110.9 (violation of privacy in the first degree); section~~
14 ~~711 1112 (interference with the operator of a public transit~~
15 ~~vehicle); section 712 1221 (promoting gambling in the first~~
16 ~~degree); section 712 1222.5 (promoting gambling aboard ships);~~
17 ~~section 712 1224 (possession of gambling records in the first~~
18 ~~degree); section 712 1243 (promoting a dangerous drug in the~~
19 ~~third degree); section 712 1246 (promoting a harmful drug in the~~
20 ~~third degree); section 712 1247 (promoting a detrimental drug in~~
21 ~~the first degree); section 712 1249.6 (promoting a controlled~~



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1 ~~substance in, on, or near schools, school vehicles, or public~~
2 ~~parks); section 803 42 (interception, access, and disclosure of~~
3 ~~wire, oral, or electronic communications, use of pen register,~~
4 ~~trap and trace device, and mobile tracking device prohibited);~~
5 ~~or section 846E 9 (failure to comply with covered offender~~
6 ~~registration requirements).] 707-712.5 (assault against a law
7 enforcement officer in the first degree); section 707-732
8 (sexual assault in the third degree); section 707-741 (incest);
9 section 707-752 (promoting child abuse in the third degree);
10 section 709-904.5 (compensation by an adult of juveniles for
11 crimes); 710-1070 (bribery of or by a witness); section 710-1071
12 (intimidating a witness); section 710-1072.2 (retaliating
13 against a witness); 710-1073 (bribery of or by a juror); section
14 710-1075 (jury tampering); section 710-1075.5 (retaliating
15 against a juror); section 711-1106.4 (aggravated harassment by
16 stalking); section 711-1110.9 (violation of privacy in the first
17 degree); section 712-1208 (promoting travel for prostitution);
18 section 712-1215 (promoting pornography for minors); section
19 712-1218 (failure to maintain age verification records of sexual
20 performers); section 712-1218.5 (failure to maintain age
21 verification records of sexually exploited individuals); and~~



1 section 712-1219 (failure to affix information disclosing
2 location of age verification records of sexual performers).

3 (b) Criminal charges may be instituted by written
4 information for a felony when the charge is a class B felony,
5 except under section [134-7(b) (ownership or possession
6 prohibited, when, penalty); [section] 134-23 (place to keep
7 loaded firearms other than pistols and revolvers, penalties);
8 section 134-25 (place to keep pistol or revolver, penalty);
9 section 134-26 (carrying or possessing a loaded firearm on a
10 public highway, penalty); section 329-43.5 (prohibited acts
11 related to drug paraphernalia); section 708-810 (burglary in the
12 first degree); section 708-830.5 (theft in the first degree);
13 section 708-839.7 (identity theft in the second degree); section
14 708-851 (forgery in the first degree); section 708-891 (computer
15 fraud in the first degree); section 708-892 (computer damage in
16 the first degree); section 712-1240.8 (methamphetamine
17 trafficking in the second degree); section 712-1242 (promoting a
18 dangerous drug in the second degree); section 712-1245
19 (promoting a harmful drug in the second degree); or section
20 712-1249.5 (commercial promotion of marijuana in the second
21 degree).] 707-720 (kidnapping); section 707-731 (sexual assault



1 in the second degree); section 707-751 (promoting child abuse in
2 the second degree); section 708-841 (robbery in the second
3 degree); section 710-1031 (intimidating a correctional worker);
4 and section 712-1203 (promoting prostitution in the second
5 degree).

6 (c) Criminal charges may be instituted by written
7 information for a felony when the charge is a felony under
8 section 19-3 (election frauds); section 480-4 (combinations in
9 restraint of trade, price-fixing and limitation of production
10 prohibited); section 480-6 (refusal to deal); or section 480-9
11 (monopolization).

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

18 (e) Criminal charges may be instituted by written
19 information for a felony when the charge is a charge that
20 involves section 702-221 (liability for conduct of another),
21 section 702-222 (liability for conduct of another; complicity),



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1 section 702-223 (liability for the conduct of another;
 2 complicity with respect to the result), section 705-500
 3 (criminal attempt), section 705-510 (criminal solicitation), or
 4 section 705-520 (criminal conspiracy), and the underlying
 5 offense is an offense not listed [~~above~~] in subsection (a), (b),
 6 (c), or (d)."

7 SECTION 2. This Act does not affect rights and duties that
 8 matured, penalties that were incurred, and proceedings that were
 9 begun before its effective date.

10 SECTION 3. Statutory material to be repealed is bracketed
 11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2015.

13

INTRODUCED BY: ~~SEN. RICH CARNA~~

Handwritten signatures of Sen. Rich Carna and other individuals, including a signature that appears to be 'Mullin'.



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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.

