
A BILL FOR AN ACT

RELATING TO THE RELEASE OF MISDEMEANANTS.

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

1 SECTION 1. Section 353-36, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) Notwithstanding chapter 804 and any other law to the
4 contrary and except as provided in subsection (b), the director
5 may order the release of a misdemeanor on recognizance to
6 prevent overcrowding when a community correctional center has
7 reached capacity, as determined by the director. The director
8 shall consider the circumstances and nature of the
9 misdemeanant's charge or offense prior to ordering a release
10 pursuant to this section. The director's order shall supersede
11 and have the same force and effect as an order entered by a
12 court pursuant to chapter 804. For purposes of this section and
13 section 353-37, "misdemeanant" means a person incarcerated at a
14 community correctional center who has been charged with a petty
15 misdemeanor or misdemeanor, or an incarcerated person who has
16 been sentenced [~~pursuant to section 706-663.~~] for conviction of
17 an offense identified as a petty misdemeanor or misdemeanor.



1 (b) No person who is incarcerated under any of the
2 following circumstances shall be eligible for release pursuant
3 to this section:

4 (1) The person has been denied bail or whose bail has been
5 set at more than \$5,000 pursuant to chapter 804;

6 (2) The person is charged with or convicted of or is on
7 probation or parole for a serious crime, as defined in
8 section 804-3;

9 (3) The person has been arrested or convicted for abuse of
10 family or household members, as defined in section
11 709-906; or

12 (4) ~~[Other than the offense for which release is~~
13 ~~contemplated under this section, the]~~ The person has
14 been previously charged with or convicted of any
15 offense, as defined in title 37, that involves injury
16 or threat of injury to the person of another,
17 including but not limited to sexual ~~[harassment]~~
18 assault in the fourth degree, harassment by stalking,
19 violation of an order of protection, or violation of a
20 temporary restraining order."



1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.
3 SECTION 3. This Act shall take effect upon its approval.



Report Title:

Release of Misdemeanants

Description:

Clarifies the circumstances under which the Director of Public Safety or a designee of the Director may release pretrial and sentenced misdemeanants at community correctional centers to prevent overcrowding.

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

