
A BILL FOR AN ACT

RELATING TO BAIL.

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

1 SECTION 1. Chapter 804, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§804- Committing a crime while on bail and awaiting
5 trial. (a) Any person who is charged with a criminal offense
6 and released on bail without being required to deposit with the
7 clerk of the appropriate court or to otherwise surrender any
8 cash, credit or debit card authorization, stocks, bonds, or real
9 property as security for bail, pursuant to section 804-3(b), and
10 who subsequently commits a new criminal offense while awaiting
11 trial for the first offense, shall be guilty of committing a
12 crime while on bail and awaiting trial.

13 (b) Any person who violates this section shall be guilty
14 of a class C felony."

15 SECTION 2. Section 804-3, Hawaii Revised Statutes, is
16 amended by amending subsection (b) to read as follows:



1 "(b) Any person charged with a criminal offense shall be
2 bailable by sufficient sureties; provided that a person charged
3 with a misdemeanor, petty misdemeanor, or violation shall not be
4 required to deposit with the clerk of the appropriate court or
5 otherwise surrender any cash, credit or debit card
6 authorization, stocks, bonds, or real property as security for
7 bail; provided further that bail may be denied where the charge
8 is for a serious crime, and:

- 9 (1) There is a serious risk that the person will flee;
- 10 (2) There is a serious risk that the person will obstruct
11 or attempt to obstruct justice, or [~~therefore~~]
12 injure~~[]~~ or intimidate, or attempt to [~~thereafter~~]
13 injure~~[]~~ or intimidate, a prospective witness or
14 juror;
- 15 (3) There is a serious risk that the person poses a danger
16 to any person or the community; or
- 17 (4) There is a serious risk that the person will engage in
18 illegal activity."

19 SECTION 3. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.

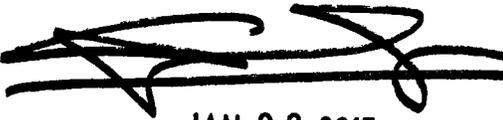


1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

JAN 20 2017



H.B. NO. 464

Report Title:

Criminal Offenses; While Awaiting Trial; Bail; Sureties

Description:

Provides that no financial or property surety shall be required for bail in a case in which no felony is alleged. Provides that a person who commits a criminal offense while on bail for which no financial or property surety was required shall be guilty of a class C felony.

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