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# A BILL FOR AN ACT

RELATING TO CRIMINAL PRETRIAL REFORM.

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

1           SECTION 1. The legislature finds that there is a need to  
2 address the substantial and continued overcrowding of facilities  
3 used to house pretrial defendants. One way to address this  
4 issue is through bail reform.

5           Accordingly, the purpose of this Act is to:

6           (1) Eliminate the use of monetary bail and require  
7           defendants to be released on their own recognizance  
8           for traffic offenses, violations, nonviolent petty  
9           misdemeanor offenses, or nonviolent misdemeanor  
10          offenses; and

11          (2) Allow defendants the option to participate in a bail  
12          report interview via videoconference.

13          SECTION 2. Chapter 804, Hawaii Revised Statutes, is  
14 amended by adding two new sections to be appropriately  
15 designated and to read as follows:

16          "§804-        Monetary bail; nonviolent offenders. (a) Any  
17 defendant arrested, charged, and held for a traffic offense,



1 violation, nonviolent petty misdemeanor offense, or nonviolent  
2 misdemeanor offense shall be ordered by the court to be released  
3 on the defendant's own recognizance at arraignment and plea  
4 conditioned upon:

5 (1) The general conditions of release on bail set forth in  
6 section 804-7.4; and

7 (2) Any other least restrictive, non-monetary condition  
8 necessary to:

9 (A) Ensure the defendant's appearance in court; and

10 (B) Protect the public.

11 (b) This section shall not apply if:

12 (1) The offense involves:

13 (A) Assault;

14 (B) Terroristic threatening;

15 (C) Sexual assault;

16 (D) Abuse of family or household members;

17 (E) Violation of a temporary restraining order;

18 (F) Violation of an order for protection;

19 (G) Violation of a restraining order or injunction;

20 (H) Operating a vehicle under the influence of an

21 intoxicant;



- 1            (I) Negligent homicide;
- 2            (J) A minor;
- 3            (K) Unauthorized entry into a dwelling; or
- 4            (L) Any other crime of violence; or
- 5            (2) One or more of the following apply:
- 6            (A) The defendant has a history of non-appearance in  
7            the last twenty-four months;
- 8            (B) The defendant has at least one prior conviction  
9            for a misdemeanor crime of violence or felony  
10           crime of violence within the last eight years;
- 11           (C) The defendant was pending trial or sentencing at  
12           the time of arrest;
- 13           (D) The defendant was on probation, parole, or  
14           conditional release at the time of arrest;
- 15           (E) The defendant is also concurrently charged with a  
16           violent petty misdemeanor, a violent misdemeanor,  
17           or any felony offense arising from the same or  
18           separate incident; or
- 19           (F) The defendant presents a risk of danger to any  
20           other person or to the community, or a risk of  
21           recidivism.



1        (c) If any of the exceptions in subsection (b) apply, bail  
2 may be set in a reasonable amount pursuant to section 804-9,  
3 based upon all of the available information including the  
4 defendant's financial ability to afford bail. If the defendant  
5 is unable to post the amount of bail set, the defendant shall be  
6 entitled to a prompt hearing as set forth in section 804-7.5.

7        (d) This section shall neither preclude law enforcement  
8 from setting an initial bail before arraignment, nor prevent a  
9 court from determining bail or conditions of release at  
10 arraignment should an initial bail be set by law enforcement  
11 before arraignment.

12        **§804-        Bail report interview; videoconference.** (a)  
13 Notwithstanding any law to the contrary, a defendant shall be  
14 allowed to participate in a bail report interview via  
15 videoconference.

16        (b) If a defendant chooses to participate in a bail report  
17 interview via videoconference, the department of public safety  
18 shall comply with and make any necessary arrangements to  
19 implement the defendant's selection."



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

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on January 1, 2222.

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# H.B. NO. 1567 H.D. 1

**Report Title:**

Bail; Release; Detention; Bail Report Interview; Videoconference

**Description:**

Eliminates the use of monetary bail and requires defendants to be released on their own recognizance for certain nonviolent offenses, subject to exceptions. Requires PSD to take steps to provide videoconferencing to a defendant who chooses to participate in a bail report interview via videoconference. Effective 1/1/2222. (HD1)

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

