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## HOUSE RESOLUTION

URGING THE JUDICIAL BRANCH OF THE STATE OF HAWAII TO UTILIZE ACT  
277 OF THE 2019 LEGISLATIVE SESSION IN LIEU OF NO CASH  
BAIL.

1 WHEREAS, the inability to post bail has caused overcrowding  
2 in our prison system, affecting upwards of 50% of pretrial  
3 detainees; and

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5 WHEREAS, Hawaii taxpayers pay over \$250 per day per  
6 prisoner; and

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8 WHEREAS, calls for reforming the bail system continue to be  
9 a topic of frequent discussion, with the Hawaii State  
10 Legislature addressing the matter with the passage of SB192 in  
11 2019, later becoming Act 277; and

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13 WHEREAS, Act 277, now included in the Hawaii Revised  
14 Statutes as §804-9.5, authorizes for defendants to be released  
15 on unsecured financial bonds under certain circumstances; and

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17 WHEREAS, the implementation of this statute has been slow  
18 at best, and even without seeing its efficacy, has already been  
19 overshadowed by attempts to pass more extreme policies, such as  
20 no cash bail; and

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22 WHEREAS, Hawaii Revised Statutes §804-9.5 offers  
23 financially challenged defendants, following careful  
24 consideration of factors including prior criminal record,  
25 employment, family relationships, and the results of a pretrial  
26 risk assessment, the ability to be released on an unsecured bond  
27 for all or part of the bond amount; and

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29 WHEREAS, Hawaii Revised Statutes §804-9.5 allows for  
30 defendants to sign a promissory note (IOU) for release, for  
31 which their bond obligation will be absolved upon their court



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1 appearance, and if they fail to appear, would then become liable  
2 for the bond amount; and

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4 WHEREAS, Hawaii Revised Statutes §804-9.5 has thus already  
5 authorized our courts to implement a "no cash bail" system,  
6 taking financial and safety considerations in mind, without  
7 needing to legislate more sweeping measures; now, therefore,

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9 BE IT RESOLVED by the House of Representatives of the  
10 Thirty-second Legislature of the State of Hawaii, Regular  
11 Session of 2023, that this body urges the Judicial Branch of the  
12 State of Hawaii to implement §804-9.5 in cases where the release  
13 of an economically challenged defendant on unsecured bond would  
14 alleviate our prison population concerns and save taxpayers  
15 money without endangering the public; and

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17 BE IT FURTHER RESOLVED that certified copies of this  
18 Resolution be transmitted to the Supreme Court of Hawaii, the  
19 State of Hawaii Judiciary System, the Prosecuting Attorney of  
20 each of the four counties, members of the Hawaii State House of  
21 Representatives, and members of the Hawaii State Senate.

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OFFERED BY:



MAR 10 2023

