
A BILL FOR AN ACT

RELATING TO CRIMINAL JUSTICE REFORM.

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

1 SECTION 1. The legislature finds that arrests are commonly
2 made at the initiation of a criminal case, but sometimes occur
3 needlessly when the issuance of a citation to appear in court
4 would have sufficed. Arrests consume a significant portion of
5 the limited resources of understaffed police departments,
6 increase the number of people held in custody before trial, and
7 contribute to overcrowding in correctional facilities. Given
8 Hawaii's high cost of living and the significant percentage of
9 families who live paycheck to paycheck, many arrestees cannot
10 afford to post bail before trial.

11 The legislature also finds that arrests are highly
12 disruptive to a person's life. Despite the fundamental
13 principle of the presumption of innocence on which the justice
14 system is built, arrests cause embarrassment and, in some cases,
15 trauma, when they occur in the presence of family members,
16 neighbors, or coworkers, or are publicized in the media.
17 Further, an arrest can significantly jeopardize the arrestee's



1 housing and employment and set into motion a chain of economic
2 and logistical hardships for the arrestee's family, especially
3 when the arrestee is the main source of household income and
4 cares for multiple dependents.

5 Accordingly, the purpose of this Act is to reduce the
6 number of unnecessary arrests made in criminal cases by
7 expanding the authorized issuance of citations in lieu of
8 arrest, with certain exceptions.

9 SECTION 2. Section 803-6, Hawaii Revised Statutes, is
10 amended as follows:

11 1. By amending its title to read:

12 "§803-6 Arrest, how made[-]; citations in lieu of arrest;
13 failure to appear."

14 2. By amending subsection (b) to read:

15 "(b) In any case in which it is lawful for a [peli] law
16 enforcement officer to arrest a person without a warrant for a
17 misdemeanor, petty misdemeanor, or violation, the [peli] law
18 enforcement officer [~~may, but need not,~~] shall issue a citation
19 in lieu of [~~the requirements of-~~] making an arrest pursuant to
20 [~~]~~ subsection [~~]~~ (a) [~~, if the police officer finds and is~~
21 ~~reasonably satisfied that the person-~~



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- 1 ~~(1) Will appear in court at the time designated,~~
2 ~~(2) Has no outstanding arrest warrants which would justify~~
3 ~~the person's detention or give indication that the~~
4 ~~person might fail to appear in court; and~~
5 ~~(3) That the offense is of such nature that there will be~~
6 ~~no further police contact on or about the date in~~
7 ~~question, or in the immediate future]."~~

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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JAN 16 2024



H.B. NO. 1601

Report Title:

Arrests; Law Enforcement Officer; Citation in Lieu of Arrest

Description:

Requires law enforcement officers to issue citations in lieu of arrest for certain offenses.

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