

JAN 23 2026

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# A BILL FOR AN ACT

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RELATING TO PRETRIAL RELEASE.

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

1       SECTION 1. Section 804-9, Hawaii Revised Statutes, is  
2 amended to read as follows:

3       "**§804-9 Amount.** The amount of bail rests in the  
4 discretion of the justice or judge or the officers named in  
5 section 804-5 and shall be set in a reasonable amount based upon  
6 all available information, including the offense alleged, the  
7 possible punishment upon conviction, and the defendant's  
8 financial ability to afford bail. The defendant's financial  
9 ability to afford bail shall be subject to the following  
10 considerations to the extent known:

11       (1) Any income derived from public benefits, including  
12 supplemental security income, social security  
13 disability insurance, and temporary assistance for  
14 needy families, shall be excluded from consideration;  
15 and

16       (2) If the defendant's household income, exclusive of any  
17 income derived from public benefits, exceeds one



hundred fifty per cent of the federal poverty level  
for Hawaii, the amount the defendant could reasonably  
pay within forty hours of arrest shall be considered.

The bail amount should be so determined as not to suffer the wealthy to escape by the payment of a pecuniary penalty, nor to render the privilege useless to the poor."

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

SECTION 3. New statutory material is underscored.

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

INTRODUCED BY: *Karl Rhoads*



# S.B. NO. 2732

**Report Title:**

Pretrial Release; Bail

**Description:**

Requires certain factors to be considered when determining a defendant's financial ability to afford bail.

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

