

JAN 23 2026

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## A BILL FOR AN ACT

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



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

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

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

10                  SECTION 3. New statutory material is underscored.

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

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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.*

