
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.

12

INTRODUCED BY:

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JAN 14 2026



H.B. NO. 1516

Report Title:

Pretrial Release; Bail

Description:

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

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