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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 on July 1, 3000.



**Report Title:**

Pretrial Release; Bail

**Description:**

Requires certain factors to be considered when determining a defendant's financial ability to afford bail. Effective 7/1/3000. (HD1)

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

