
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, as determined by the most recently
3 published annual federal poverty guidelines, the
4 amount the defendant could reasonably pay within forty
5 hours of the defendant's initial appearance shall be
6 considered.

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

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

13 SECTION 3. New statutory material is underscored.

14 SECTION 4. This Act shall take effect on March 22, 2075.



Report Title:

Pretrial Release; Bail

Description:

Requires certain factors to be considered when determining a defendant's financial ability to afford bail. Effective 3/22/2075. (SD1)

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