

ACT 217

H.B. NO. 2087-78

A Bill for an Act Relating to Release on Bail.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 804, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

“Sec. 804- Conditions of release on bail. Upon a showing that there exists a danger that the defendant will commit a serious crime or will seek to intimidate witnesses, or will otherwise unlawfully interfere with the orderly administration of justice, the judicial officer named in section 804-5, upon the defendant’s release on bail, may enter an order:

- (1) Prohibiting the defendant from approaching or communicating with particular persons or classes of persons, except that no such order should be deemed to prohibit any lawful and ethical activity of defendant’s counsel;
- (2) Prohibiting the defendant from going to certain described geographical areas or premises;
- (3) Prohibiting the defendant from possessing any dangerous weapon, or engaging in certain described activities or indulging in intoxicating liquors or in certain drugs;
- (4) Requiring the defendant to report regularly to and remain under the supervision of an officer of the court;
- (5) Imposing any combination of conditions listed above.

Sec. 804- Violations of conditions of release on bail. Upon verified application by the prosecuting attorney alleging that a defendant has wilfully violated the conditions of release on bail, the judicial officer named in section 804-5 shall issue a warrant directing the defendant be arrested and taken forthwith before the court of record for hearing. A law enforcement officer having reasonable grounds to believe that a released felony defendant has violated the conditions of release on bail may, where it would be impracticable to secure a warrant, arrest the defendant and take the defendant forthwith before the court of record.

Sec. 804- Sanctions for violation of conditions of release on bail. After hearing, and upon finding that the defendant has wilfully violated reasonable conditions imposed on release on bail, the court may impose different or additional conditions upon defendant’s release or revoke defendant’s release on bail.”

SECTION 2. New statutory material is underscored. In printing this Act, the revisor of statutes need not include the underscoring.*

SECTION 3. This Act shall take effect upon its approval.

(Approved June 5, 1978.)

*Edited accordingly.