



GOV. MSG. NO. 1394

EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

July 10, 2012

The Honorable Shan Tsutsui, President
and Members of the Senate
Twenty-Sixth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

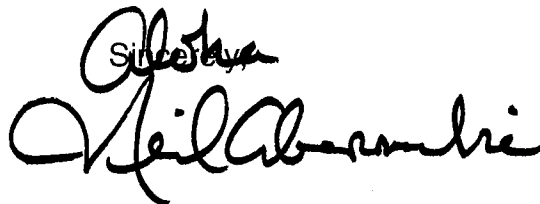
The Honorable Calvin Say, Speaker
and Members of the House
Twenty-Sixth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

I am transmitting herewith SB2158 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB2158 HD1 CD1

RELATING TO BAIL.



NEIL ABERCROMBIE
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 10, 2012

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 2158

Honorable Members
Twenty-Sixth Legislature
State of Hawaii

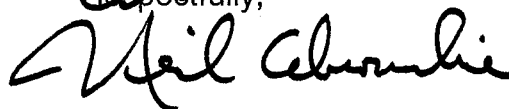
Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 2158, entitled "A Bill for an Act Relating to Bail."

The purpose of this bill is to require law enforcement agencies to accept cash bail, certified copies of pre-filed bail bonds, and original bail bonds when the court is closed, including nights, weekends, and holidays, to facilitate the prompt release of a detainee.

The Department of Public Safety does not have the staff, funds, and facilities to provide these additional services. It should be noted that the Department currently does not accept cash bail at any time, at any of its correctional centers. The Department is unable to provide adequate and appropriate staffing, twenty-four hours a day, seven days of the week, including all holidays, to accept and process cash bail and bonds.

For the foregoing reasons, I am returning Senate Bill No. 2158 without my approval.


Respectfully,



NEIL ABERCROMBIE
Governor of Hawaii

A BILL FOR AN ACT

RELATING TO BAIL.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 804-7, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§804-7 Release after bail[-]; procedure when court
4 closed. (a) When bail is offered and taken, the prisoner
5 shall be discharged promptly from custody or imprisonment.

6 (b) When the court with jurisdiction is closed, including
7 nights, weekends, and holidays, a law enforcement agency having
8 custody of a person shall accept cash bail or bail bond. A law
9 enforcement agency shall accept any of the following:

10 (1) Cash from any person;

11 (2) A certified copy of a bail bond pre-filed with the
12 court from any person; or

13 (3) An original bail bond from a person licensed pursuant
14 to chapter 431 as a bail agent or to sell, solicit,
15 and negotiate surety insurance.

16 (c) A law enforcement agency accepting cash bail or an
17 original bail bond pursuant to subsection (b) shall submit the
18 cash bail or original bail bond to the court with jurisdiction



1 no later than 4:00 p.m. on the first business day following
2 acceptance.

3 (d) For purposes of this section, "law enforcement agency"
4 means any agency of the State or a county vested by law with the
5 authority to arrest persons for criminal offenses, detain
6 arrested persons pending court action, or retain custody of
7 convicted persons, including the county police departments, the
8 department of the attorney general, and the department of public
9 safety."

10 SECTION 2. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 3. This Act shall take effect on January 1, 2013,
13 and shall be repealed on January 1, 2016; provided that section
14 804-7, Hawaii Revised Statutes, shall be reenacted in the form
15 in which it read on the day prior to the effective date of this
16 Act.

APPROVED this day of , 2012