
A BILL FOR AN ACT

RELATING TO BAIL.

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

1 SECTION 1. The legislature finds that violent felonies
2 perpetrated against individuals are a pervasive problem in the
3 State and that deterring recidivism and promoting citizen safety
4 are important state interests. Accordingly, the legislature
5 finds that stricter laws relating to repeat offenders will help
6 further these interests.

7 The purpose of this Act is to deter recidivism and promote
8 safety by expanding the criteria under which a person may be
9 denied bail.

10 SECTION 2. Section 804-3, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) For purposes of this section, "serious crime" means
14 murder or attempted murder in the first degree, murder or
15 attempted murder in the second degree, ~~[or]~~ a class A or B
16 felony, except forgery in the first degree and failing to render
17 aid under section 291C-12, or a felony involving violence



1 against a person, and "bail" includes release on one's own
2 recognizance, supervised release, and conditional release."

3 2. By amending subsection (c) to read:

4 "(c) Under subsection (b)(1) a rebuttable presumption
5 arises that there is a serious risk that the person will flee or
6 will not appear as directed by the court where the person is
7 charged with a criminal offense punishable by imprisonment for
8 life without possibility of parole. For purposes of subsection
9 (b)(3) and (4) a rebuttable presumption arises that the person
10 poses a serious danger to any person or community or will engage
11 in illegal activity where the court determines that:

12 (1) The defendant has been previously convicted of a
13 serious crime [~~involving violence against a person~~
14 ~~within the ten year period preceding the date of the~~
15 ~~charge against the defendant;~~] and is subject to
16 sentencing pursuant to section 706-606.5;

17 (2) The defendant is already on bail on a felony charge
18 [~~involving violence against a person~~]; or

19 (3) The defendant is on probation or parole for a serious
20 crime [~~involving violence to a person~~]."



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1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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John M. ...
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JAN 21 2015



H.B. NO. 6

Report Title:

Bail; Repeat Offenders; Denial for Certain Offenses

Description:

Expands conditions under which bail may be denied to repeat offenders.

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