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# A BILL FOR AN ACT

RELATING TO BAIL.

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

1           SECTION 1. Chapter 804, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:  
4           "§804-     Committing a crime while on bail and awaiting  
5 trial. (a) Any person who is charged with a criminal offense  
6 and released on bail without being required to deposit with the  
7 clerk of the appropriate court or to otherwise surrender any  
8 cash, credit or debit card authorization, stocks, bonds, or real  
9 property as security for bail, pursuant to section 804-3(b), and  
10 who subsequently commits a new criminal offense while awaiting  
11 trial for the first offense, shall be guilty of committing a  
12 crime while on bail and awaiting trial.  
13           (b) Any person who violates this section shall be guilty  
14 of a class C felony."

15           SECTION 2. Section 804-3, Hawaii Revised Statutes, is  
16 amended by amending subsection (b) to read as follows:



1           "(b) Any person charged with a criminal offense shall be  
2      bailable by sufficient sureties; provided that a person charged  
3      with a misdemeanor, petty misdemeanor, or violation shall not be  
4      required to deposit with the clerk of the appropriate court or  
5      otherwise surrender any cash, credit or debit card  
6      authorization, stocks, bonds, or real property as security for  
7      bail; provided further that bail may be denied or required where  
8      the charge is for a serious crime, and:

- 9           (1) There is a serious risk that the person will flee;
- 10          (2) There is a serious risk that the person will obstruct  
11           or attempt to obstruct justice, or [~~therefore,~~]  
12           injure [~~]~~ or intimidate, or attempt to [~~thereafter,~~]  
13           injure [~~]~~ or intimidate, a prospective witness or  
14           juror;
- 15          (3) There is a serious risk that the person poses a danger  
16           to any person or the community; or
- 17          (4) There is a serious risk that the person will engage in  
18           illegal activity."

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



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

3 SECTION 5. This Act shall take effect on July 1, 2099.



**Report Title:**

Criminal Offenses; While Awaiting Trial; Bail; Sureties

**Description:**

Provides that no financial or property surety shall be required for bail in a case in which no felony is alleged. Provides that a person who commits a criminal offense while on bail for which no financial or property surety was required shall be guilty of a class C felony. (HB464 HD1)

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

