

PROPOSED

THE SENATE
TWENTY-THIRD LEGISLATURE, 2006
STATE OF HAWAII

S.B. NO. 2259
S.D. 1

A BILL FOR AN ACT

RELATING TO INFORMATION CHARGING.

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

1 SECTION 1. Section 806-83, Hawaii Revised Statutes, is
2 amended by amending subsections (a) and (b) to read as follows:
3 "(a) Criminal charges may be instituted by written
4 information for a felony when the charge is a class C felony
5 under section 19-3.5 (voter fraud); section 128D-10 (knowing
6 releases); section [+]132D-14(a)(1), (2)(A), and (3)[+]
7 (penalties for failure to comply with requirements of sections
8 132D-7, 132D-10, and 132D-16); section 134-6 (carrying or use of
9 firearm in the commission of a separate felony); section
10 134-7(a) and (b) (ownership or possession prohibited); section
11 134-8 (prohibited ownership); section 134-9 (licenses to carry);
12 section 134-17(a) (relating to false information or evidence
13 concerning psychiatric or criminal history); section 134-51
14 (deadly weapons); section 134-52 (switchblade knives); section
15 134-53 (butterfly knives); section 188-23 (possession or use of
16 explosives, electrofishing devices, and poisonous substances in
17 state waters prohibited); section 231-34 (attempt to evade or
18 defeat tax); section 231-36 (false and fraudulent statements);



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1 section 245-37 (sale or purchase of packages of cigarettes
2 without stamps); section 245-38 (vending unstamped cigarettes);
3 section 245-51 (sale of export cigarettes prohibited); section
4 245-52 (alteration of packaging prohibited); section 291C-12.5
5 (accidents involving substantial bodily injury); section
6 291E-61.5 (habitually operating a vehicle under the influence of
7 an intoxicant); section 329-41 (prohibited acts B); section
8 329-42 (prohibited acts C); section 329-43.5 (prohibited acts
9 related to drug paraphernalia); section 329C-2 (manufacture,
10 distribution, or possession with intent to distribute an
11 imitation controlled substance to a person under eighteen years
12 of age); section 346-34(d) (2) and (e) (fraud involving food
13 stamps or coupons with a value exceeding \$300); section 346-43.5
14 (medical assistance fraud); section 383-141 (falsely obtaining
15 benefits); section 431:10C-307.7 (insurance fraud); section
16 482D-7 (violation of fineness standards and stamping
17 requirements); section 485-8 (registration of securities);
18 section 485-14 (registration of dealers, investment advisers,
19 salespersons, and investment adviser representatives); section
20 485-25 (fraudulent and other prohibited practices); section
21 707-703 (negligent homicide in the second degree); section
22 707-705 (negligent injury in the first degree); section 707-711

1 (assault in the second degree); section 707-713 (reckless
2 endangering in the first degree); section 707-721 (unlawful
3 imprisonment in the first degree); section 707-726 (custodial
4 interference in the first degree); section 707-757 (electronic
5 enticement of a child in the second degree); section 707-766
6 (extortion in the second degree); section 708-811 (burglary in
7 the second degree); section 708-821 (criminal property damage in
8 the second degree); section 708-831 (theft in the second
9 degree); section 708-833.5 (shoplifting); section 708-835.5
10 (theft of livestock); section 708-836 (unauthorized control of
11 propelled vehicle); section 708-836.5 (unauthorized entry into
12 motor vehicle); section 708-839.5 (theft of utility services);
13 section 708-839.8 (identity theft in the third degree); section
14 708-852 (forgery in the second degree); section 708-854
15 (criminal possession of a forgery device); section 708-858
16 (suppressing a testamentary or recordable instrument); section
17 708-875 (trademark counterfeiting); section 708-891.5 (computer
18 fraud in the second degree); section 708-892.5 (computer damage
19 in the second degree); section 708-895.6 (unauthorized computer
20 access in the second degree); section 708-8100 (fraudulent use
21 of a credit card); section 708-8102 (theft/forgery of credit
22 cards); section 708-8103 (credit card fraud by a provider of

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1 goods or services); section 708-8104 (possession of unauthorized
2 credit card machinery or incomplete cards); section 708-8200
3 (cable television service fraud in the first degree); section
4 708-8202 (telecommunication service fraud in the first degree);
5 section 709-903.5 (endangering the welfare of a minor in the
6 first degree); [†]section[†] 709-906 (abuse of family or
7 household members); section 710-1016.3 (obtaining a
8 government-issued identification document under false pretenses
9 in the first degree); section 710-1016.6 (impersonating a law
10 enforcement officer in the first degree); section 710-1017.5
11 (sale or manufacture of deceptive identification document);
12 section 710-1018 (securing the proceeds of an offense); section
13 710-1021 (escape in the second degree); section 710-1023
14 (promoting prison contraband in the second degree); section
15 710-1024 (bail jumping in the first degree); section 710-1029
16 (hindering prosecution in the first degree); section 710-1060
17 (perjury); section 710-1072.5 (obstruction of justice); section
18 711-1103 (riot); section 711-1109.3 (cruelty to animals/fighting
19 dogs); section 711-1110.9 (violation of privacy in the first
20 degree); section 711-1112 (interference with the operator of a
21 public transit vehicle); section 712-1221 (promoting gambling in
22 the first degree); section 712-1222.5 (promoting gambling aboard



1 ships); section 712-1224 (possession of gambling records in the
2 first degree); section 712-1243 (promoting a dangerous drug in
3 the third degree); section 712-1246 (promoting a harmful drug in
4 the third degree); section 712-1247 (promoting a detrimental
5 drug in the first degree); section 712-1249.6 (promoting a
6 controlled substance in, on, or near schools or school
7 vehicles); section 803-42 (interception, access, and disclosure
8 of wire, oral, or electronic communications, use of pen
9 register, trap and trace device, and mobile tracking device
10 prohibited); or section [~~846E-9(a)(2) (penalty for failure to~~
11 ~~comply with requirements of chapter 846E).~~] 846E-9 (failure to
12 comply with covered offender registration requirements).

13 (b) Criminal charges may be instituted by written
14 information for a felony when the charge is a class B felony
15 under section 134-7(b) (ownership or possession prohibited);
16 section 329-43.5 (prohibited acts related to drug
17 paraphernalia); section 708-810 (burglary in the first degree);
18 section 708-830 (theft in the first degree); [section] 708-839.7
19 (identity theft in the second degree); section 708-851 (forgery
20 in the first degree); section 708-891 (computer fraud in the
21 first degree); section 708-892 (computer damage in the first
22 degree); section 712-1240.6 (unlawful methamphetamine

PROPOSED

Report Title:

Drug Trafficking; Charges

Description:

Adds failure to comply with section 846E-9 registration requirements and "unlawful methamphetamine trafficking" to those felonies that may be initiated by information charging. (SD1)

