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# A BILL FOR AN ACT

RELATING TO PRETRIAL RELEASE.

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

1           SECTION 1. Section 804-7.1, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§804-7.1 Conditions of release on bail, recognizance, or**  
4 **supervised release.** Upon a showing that there exists a danger  
5 that the defendant will commit a serious crime or will seek to  
6 intimidate witnesses, or will otherwise unlawfully interfere  
7 with the orderly administration of justice, the judicial officer  
8 named in section 804-5 may deny the defendant's release on bail,  
9 recognizance, or supervised release. Upon the defendant's  
10 release on bail, recognizance, or supervised release, however,  
11 the court may enter an order:

12           (1) Prohibiting the defendant from approaching or  
13           communicating with particular persons or classes of  
14           persons, except that no such order [~~should~~] shall be  
15           deemed to prohibit any lawful and ethical activity of  
16           defendant's counsel;

17           (2) Prohibiting the defendant from going to certain  
18           described geographical areas or premises;



- 1           (3) Prohibiting the defendant from possessing any  
2           dangerous weapon, engaging in certain described  
3           activities, or indulging in intoxicating liquors  
4           [+]or[+] certain drugs;
- 5           (4) Requiring the defendant to report regularly to and  
6           remain under the supervision of an officer of the  
7           court;
- 8           (5) Requiring the defendant to maintain employment, or, if  
9           unemployed, to actively seek employment, or attend an  
10          educational or vocational institution;
- 11          (6) Requiring the defendant to comply with a specified  
12          curfew;
- 13          (7) Requiring the defendant to seek and maintain mental  
14          health treatment or testing, including treatment for  
15          drug or alcohol dependency, or to remain in a  
16          specified institution for that purpose[+], and, at the  
17          defendant's own expense, to submit to alcohol testing  
18          or monitoring for alcohol use by a secure continuous  
19          remote alcohol monitor;
- 20          (8) Requiring the defendant to remain in the jurisdiction  
21          of the judicial circuit in which the charges are  
22          pending unless approval is obtained from a court of





**Report Title:**

Pretrial Release; Monitoring of Offenders

**Description:**

Allows court to order that defendants on pretrial release be subject to electronic and alcohol monitoring at the defendant's own expense.

