



GOV. MSG. NO. 572

EXECUTIVE CHAMBERS
HONOLULU

LINDA LINGLE
GOVERNOR

May 17, 2010

The Honorable Colleen Hanabusa, President
and Members of the Senate
Twenty-Fifth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

Dear Madam President and Members of the Senate:

This is to inform you that on May 17, 2010, the following bill was signed into law:

HB840 HD1 SD1

A BILL FOR AN ACT
RELATING TO CHARGING BY WRITTEN
INFORMATION.
ACT 114 (10)

Sincerely,


LINDA LINGLE

Approved by the Governor

on MAY 17 2010

HOUSE OF REPRESENTATIVES
TWENTY-FIFTH LEGISLATURE, 2009
STATE OF HAWAII

ACT 114
H.B. NO. 840
H.D. 1
S.D. 1

A BILL FOR AN ACT

RELATING TO CHARGING BY WRITTEN INFORMATION.

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

1 SECTION 1. Section 806-83, Hawaii Revised Statutes, is
2 amended as follows:
3 1. By amending subsections (a), (b), and (c) to read:
4 "(a) Criminal charges may be instituted by written
5 information for a felony when the charge is a class C felony
6 under section 19-3.5 (voter fraud); section 128D-10 (knowing
7 releases); section 132D-14(a)(1), (2)(A), and (3) (relating to
8 penalties for failure to comply with requirements of sections
9 132D-7, 132D-10, and 132D-16); section 134-24 (place to keep
10 unloaded firearms other than pistols and revolvers); section
11 134-7(a) and (b) (ownership or possession prohibited); section
12 134-8 (~~[prohibited]~~ ownership, etc., of automatic firearms,
13 silencers, etc., prohibited; penalties); section 134-9 (licenses
14 to carry); section 134-17(a) (relating to false information or
15 evidence concerning psychiatric or criminal history); section
16 134-51 (deadly weapons); section 134-52 (switchblade knives);
17 section 134-53 (butterfly knives); section 188-23 (possession or
18 use of explosives, electrofishing devices, and poisonous



1 substances in state waters prohibited); section 231-34 (attempt
2 to evade or defeat tax); section 231-36 (false and fraudulent
3 statements); section 245-37 (sale or purchase of packages of
4 cigarettes without stamps); section 245-38 (vending unstamped
5 cigarettes); section 245-51 (~~[sale of]~~ export and foreign
6 cigarettes prohibited); section 245-52 (alteration of packaging
7 prohibited); section 291C-12.5 (accidents involving substantial
8 bodily injury); section 291E-61.5 (habitually operating a
9 vehicle under the influence of an intoxicant); section 329-41
10 (prohibited acts B--penalties); section 329-42 (prohibited acts
11 C--penalties); section 329-43.5 (prohibited acts related to drug
12 paraphernalia); section 329C-2 (manufacture, distribution, or
13 possession with intent to distribute an imitation controlled
14 substance to a person under eighteen years of age); section
15 346-34(d) (2) and (e) (relating to fraud involving food stamps or
16 coupons ~~[with a value exceeding \$300]~~); section 346-43.5
17 (medical assistance ~~[fraud]~~ frauds; penalties); section 383-141
18 (falsely obtaining benefits, etc.); section 431:2-403(b) (2)
19 (insurance fraud); section 482D-7 (violation of fitness
20 standards and stamping requirements); section 485A-301
21 (~~[registration of]~~ securities registration requirement); section
22 485A-401 (broker-dealer registration ~~[of broker-dealers]~~)



1 requirement and exemptions); section 485A-402 (agent
2 registration [~~of agents~~] requirement and exemptions); section
3 485A-403 (investment advisor registration [~~of investment~~
4 ~~advisers~~] requirement and exemptions); section 485A-404
5 (investment advisor representative registration [~~of investment~~
6 ~~advisor representatives~~] requirement and exemptions); section
7 485A-405 ([~~registration of~~] federal covered investment
8 [~~advisers~~] adviser notice filing requirement); section 485A-501
9 (general fraud); section 485A-502 (prohibited conduct in
10 providing investment advice); section 707-703 (negligent
11 homicide in the second degree); section 707-705 (negligent
12 injury in the first degree); section 707-711 (assault in the
13 second degree); section 707-713 (reckless endangering in the
14 first degree); section 707-721 (unlawful imprisonment in the
15 first degree); section 707-726 (custodial interference in the
16 first degree); section 707-757 (electronic enticement of a child
17 in the second degree); section 707-766 (extortion in the second
18 degree); section 708-811 (burglary in the second degree);
19 section 708-812.6 (unauthorized entry in a dwelling); section
20 708-821 (criminal property damage in the second degree); section
21 708-831 (theft in the second degree); section 708-833.5
22 (shoplifting); section 708-835.5 (theft of livestock); section



1 708-836 (unauthorized control of propelled vehicle); section
2 708-836.5 (unauthorized entry into motor vehicle in the first
3 degree); section 708-839.5 (theft of utility services); section
4 708-839.55 (unauthorized possession of confidential personal
5 information); section 708-839.8 (identity theft in the third
6 degree); section 708-852 (forgery in the second degree); section
7 708-854 (criminal possession of a forgery device); section
8 708-858 (suppressing a testamentary or recordable instrument);
9 section 708-875 (trademark counterfeiting); section 708-891.5
10 (computer fraud in the second degree); section 708-892.5
11 (computer damage in the second degree); section 708-895.6
12 (unauthorized computer access in the second degree); section
13 708-8100 (fraudulent use of a credit card); section 708-8102
14 (~~[theft/forgery]~~ theft, forgery, etc., of credit cards); section
15 708-8103 (credit card fraud by a provider of goods or services);
16 section 708-8104 (possession of unauthorized credit card
17 machinery or incomplete cards); section 708-8200 (cable
18 television service fraud in the first degree); section 708-8202
19 (telecommunication service fraud in the first degree); section
20 709-903.5 (endangering the welfare of a minor in the first
21 degree); section 709-906 (abuse of family or household members);
22 section 710-1016.3 (obtaining a government-issued identification



1 document under false pretenses in the first degree); section
2 710-1016.6 (impersonating a law enforcement officer in the first
3 degree); section 710-1017.5 (sale or manufacture of deceptive
4 identification document); section 710-1018 (securing the
5 proceeds of an offense); section 710-1021 (escape in the second
6 degree); section 710-1023 (promoting prison contraband in the
7 second degree); section 710-1024 (bail jumping in the first
8 degree); section 710-1029 (hindering prosecution in the first
9 degree); section 710-1060 (perjury); section 710-1072.5
10 (obstruction of justice); section 711-1103 (riot); section
11 711-1109.3 (cruelty to [~~animals/fighting~~] animals; fighting
12 dogs); section 711-1110.9 (violation of privacy in the first
13 degree); section 711-1112 (interference with the operator of a
14 public transit vehicle); section 712-1221 (promoting gambling in
15 the first degree); section 712-1222.5 (promoting gambling aboard
16 ships); section 712-1224 (possession of gambling records in the
17 first degree); section 712-1243 (promoting a dangerous drug in
18 the third degree); section 712-1246 (promoting a harmful drug in
19 the third degree); section 712-1247 (promoting a detrimental
20 drug in the first degree); section 712-1249.6 (promoting a
21 controlled substance in, on, or near schools [~~or~~], school
22 vehicles, or public parks); section 803-42 (interception,



1 access, and disclosure of wire, oral, or electronic
2 communications, use of pen register, trap and trace device, and
3 mobile tracking device prohibited); or section 846E-9(b)
4 (failure to comply with covered offender registration
5 requirements).

6 (b) Criminal charges may be instituted by written
7 information for a felony when the charge is a class B felony
8 under section 134-7(b) (ownership or possession prohibited,
9 when; penalty); 134-23 (place to keep loaded firearms other than
10 pistols and revolvers; penalties); section 134-25 (place to keep
11 pistol or revolver; penalty); section 134-26 (carrying or
12 possessing a loaded firearm on a public highway; penalty);
13 [~~section 134-7(b) (ownership or possession prohibited);~~] section
14 329-43.5 (prohibited acts related to drug paraphernalia);
15 section 708-810 (burglary in the first degree); section
16 [~~708-830~~] 708-830.5 (theft in the first degree); section
17 708-839.7 (identity theft in the second degree); section 708-851
18 (forgery in the first degree); section 708-891 (computer fraud
19 in the first degree); section 708-892 (computer damage in the
20 first degree); section 712-1240.8 (methamphetamine trafficking
21 in the second degree); section 712-1242 (promoting a dangerous
22 drug in the second degree); section 712-1245 (promoting a



1 harmful drug in the second degree); or section 712-1249.5
2 (commercial promotion of marijuana in the second degree).

3 (c) Criminal charges may be instituted by written
4 information for a felony when the charge is a felony under
5 section 19-3 (election [~~fraud~~ frauds]; section 480-4
6 (combinations in restraint of trade, price-fixing and limitation
7 of production prohibited); section 480-6 (refusal to deal); or
8 section 480-9 (monopolization)."

9 2. By amending subsection (e) to read:

10 "(e) Criminal charges may be instituted by written
11 information for a felony when the charge is a charge that
12 involves [+]section[+] 702-221 (liability for conduct of
13 another), [+]section[+] 702-222 (~~[accomplice]~~ liability for the
14 conduct of another; complicity), [+]section[+] 702-223
15 (liability for the conduct of another; complicity with respect
16 to the result), [+]section[+] 705-500 (criminal attempt),
17 [+]section[+] 705-510 (criminal solicitation), or [+]section[+] 705-520 (criminal conspiracy), and the underlying offense is an
18 offense listed above in subsection (a), (b), (c), or (d)."

19 SECTION 2. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.
21
22



1 SECTION 3. This Act shall take effect upon its approval.

2

APPROVED this 17 day of MAY, 2010



GOVERNOR OF THE STATE OF HAWAII

