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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-     Bond filing fee; deposit. (a) The payment of a  
5 bond to a law enforcement agency under section 804-7 shall be  
6 accompanied by a bond filing fee of \$20, payable in cash, for  
7 each bond issued per defendant. The law enforcement agency  
8 accepting the bond shall issue a written receipt to the person  
9 posting the bond; provided that the written receipt shall  
10 confirm the receipt of the \$20 filing fee and the date of the  
11 receipt, the name of the accused, and the offense or offenses to  
12 which the bond filing fee is attached.

13           (b) Bond filing fees collected pursuant to this section  
14 shall be deposited into the general fund of the State."

15           SECTION 2. Section 804-7, Hawaii Revised Statutes, is  
16 amended to read as follows:



1        "§804-7 Release after bail[-]; procedure when court  
2 closed. (a) When bail is offered and taken, the prisoner shall  
3 be promptly discharged from custody or imprisonment.

4        (b) A law enforcement agency having custody of a person  
5 shall accept cash bonds, surety bonds, and own recognizance  
6 bonds when the court with jurisdiction is closed, including  
7 during nights, weekends, and holidays. The law enforcement  
8 agency shall accept:

9        (1) Cash and certified copies of bonds pre-filed with the  
10 court from any person; and

11       (2) An original surety or own recognizance bond only from  
12 a person licensed pursuant to chapter 431 as a bail  
13 agent or licensed to sell, solicit, and negotiate  
14 surety insurance.

15       (c) A law enforcement agency accepting cash bonds, surety  
16 bonds, or own recognizance bonds pursuant to subsection (b)  
17 shall submit the bonds to the court with jurisdiction no later  
18 than 4:00 p.m. on the first business day following acceptance.

19       (d) For purposes of this section, "law enforcement agency"  
20 means any agency of the State or a county vested by law with  
21 authority to make arrests for criminal offenses, detain arrested  
22 persons pending court action, or take and keep custody of



1 convicted persons, including the county police departments, the  
2 department of the attorney general, and the department of public  
3 safety."

4 SECTION 3. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on December 21,  
7 2058.



**Report Title:**

Release on Bail; Procedure

**Description:**

Requires law enforcement agencies to accept cash bonds, certified copies of pre-filed bonds, and original surety or own recognizance bonds when the court is closed, including during nights, weekends, and holidays. Specifies from whom bail may be accepted. Requires prompt release after acceptance of bail. Requires bond filing fee. Effective December 21, 2058. (SB2534 HD1)

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

