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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) If a bond filing fee collected pursuant to this  
14 section is collected by a county law enforcement agency, that  
15 fee shall be deposited directly into an appropriate county fund  
16 as determined by the respective county council by ordinance. If  
17 a bond filing fee collected pursuant to this section is  
18 collected by a state law enforcement agency, that fee shall be



1 deposited into the fund from which operating expenses for that  
2 state agency are appropriated and expended; provided that in the  
3 absence of an appropriate fund, the filing fee shall be  
4 deposited into the general fund of the State."

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

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

10 (b) A law enforcement agency having custody of a person  
11 shall accept cash bonds, surety bonds, and own recognizance  
12 bonds when the court with jurisdiction is closed, including  
13 during nights, weekends, and holidays. The law enforcement  
14 agency shall accept:

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

17 (2) An original surety or own recognizance bond only from  
18 a person licensed pursuant to chapter 431 as a bail  
19 agent or licensed to sell, solicit, and negotiate  
20 surety insurance.

21 (c) A law enforcement agency accepting cash bonds, surety  
22 bonds, or own recognizance bonds pursuant to subsection (b)



1 shall submit the bonds to the court with jurisdiction no later  
2 than 4:00 p.m. on the first business day following acceptance.

3 (d) For purposes of this section, "law enforcement agency"  
4 means any agency of the State or a county vested by law with  
5 authority to make arrests for criminal offenses, detain arrested  
6 persons pending court action, or take and keep custody of  
7 convicted persons, including the county police departments, the  
8 department of the attorney general, and the department of public  
9 safety."

10 SECTION 3. Statutory material to be repealed is bracketed  
11 and stricken. New statutory material is underscored.

12 SECTION 4. This Act shall take effect on July 1, 2010.

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**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. (SD2)

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

