

JAN 26 2009

---

---

# 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 to read as follows:  
3           "**§806-83 Felonies for which criminal charges may be**  
4 **instituted by written information.** (a) Criminal charges may be  
5 instituted by written information for a felony when the charge  
6 is a class C felony under section 19-3.5 (voter fraud); section  
7 128D-10 (knowing releases); section 132D-14(a)(1), (2)(A), and  
8 (3) (penalties for failure to comply with requirements of  
9 sections 132D-7, 132D-10, and 132D-16); section 134-24 (place to  
10 keep unloaded firearms other than pistols and revolvers);  
11 section 134-7(a) and (b) (ownership or possession prohibited);  
12 section 134-8 (prohibited ownership); section 134-9 (licenses to  
13 carry); section 134-17(a) (relating to false information or  
14 evidence concerning psychiatric or criminal history); section  
15 134-51 (deadly weapons); section 134-52 (switchblade knives);  
16 section 134-53 (butterfly knives); section 188-23 (possession or  
17 use of explosives, electrofishing devices, and poisonous  
18 substances in state waters prohibited); section 231-34 (attempt

SB LRB 09-1426.doc



1 to evade or defeat tax); section 231-36 (false and fraudulent  
2 statements); section 245-37 (sale or purchase of packages of  
3 cigarettes without stamps); section 245-38 (vending unstamped  
4 cigarettes); section 245-51 (sale of export cigarettes  
5 prohibited); section 245-52 (alteration of packaging  
6 prohibited); section 291C-12.5 (accidents involving substantial  
7 bodily injury); section 291E-61.5 (habitually operating a  
8 vehicle under the influence of an intoxicant); section 329-41  
9 (prohibited acts B); section 329-42 (prohibited acts C); section  
10 329-43.5 (prohibited acts related to drug paraphernalia);  
11 section 329C-2 (manufacture, distribution, or possession with  
12 intent to distribute an imitation controlled substance to a  
13 person under eighteen years of age); section 346-34(d)(2) and  
14 (e) (fraud involving food stamps or coupons with a value  
15 exceeding \$300); section 346-43.5 (medical assistance fraud);  
16 section 383-141 (falsely obtaining benefits); section 431:10C-  
17 307.7 (insurance fraud); section 482D-7 (violation of fineness  
18 standards and stamping requirements); section 485A-301  
19 (registration of securities); section 485A-401 (registration of  
20 broker-dealers); section 485A-402 (registration of agents);  
21 section 485A-403 (registration of investment advisors); section  
22 485A-404 (registration of investment advisor representatives);



1 section 485A-405 (registration of federal covered investment  
2 advisors); section 485A-501 (general fraud); section 485A-502  
3 (prohibited conduct in providing investment advice); section  
4 707-703 (negligent homicide in the second degree); section 707-  
5 705 (negligent injury in the first degree); section 707-711  
6 (assault in the second degree); section 707-713 (reckless  
7 endangering in the first degree); section 707-721 (unlawful  
8 imprisonment in the first degree); section 707-726 (custodial  
9 interference in the first degree); section 707-757 (electronic  
10 enticement of a child in the second degree); section 707-766  
11 (extortion in the second degree); section 708-811 (burglary in  
12 the second degree); section 708-812.6 (unauthorized entry in a  
13 dwelling); section 708-821 (criminal property damage in the  
14 second degree); section 708-831 (theft in the second degree);  
15 section 708-833.5 (shoplifting); section 708-835.5 (theft of  
16 livestock); section 708-836 (unauthorized control of propelled  
17 vehicle); section 708-836.5 (unauthorized entry into motor  
18 vehicle); section 708-839.5 (theft of utility services); section  
19 708-839.55 (unauthorized possession of confidential personal  
20 information); section 708-839.8 (identity theft in the third  
21 degree); section 708-852 (forgery in the second degree); section  
22 708-854 (criminal possession of a forgery device); section 708-



1 858 (suppressing a testamentary or recordable instrument);  
2 section 708-875 (trademark counterfeiting); section 708-891.5  
3 (computer fraud in the second degree); section 708-892.5  
4 (computer damage in the second degree); section 708-895.6  
5 (unauthorized computer access in the second degree); section  
6 708-8100 (fraudulent use of a credit card); section 708-8102  
7 (theft/forgery of credit cards); section 708-8103 (credit card  
8 fraud by a provider of goods or services); section 708-8104  
9 (possession of unauthorized credit card machinery or incomplete  
10 cards); section 708-8200 (cable television service fraud in the  
11 first degree); section 708-8202 (telecommunication service fraud  
12 in the first degree); section 709-903.5 (endangering the welfare  
13 of a minor in the first degree); section 709-906 (abuse of  
14 family or household members); section 710-1016.3 (obtaining a  
15 government-issued identification document under false pretenses  
16 in the first degree); section 710-1016.6 (impersonating a law  
17 enforcement officer in the first degree); section 710-1017.5  
18 (sale or manufacture of deceptive identification document);  
19 section 710-1018 (securing the proceeds of an offense); section  
20 710-1021 (escape in the second degree); section 710-1023  
21 (promoting prison contraband in the second degree); section 710-  
22 1024 (bail jumping in the first degree); section 710-1029



1 (hindering prosecution in the first degree); section 710-1060  
2 (perjury); section 710-1072.5 (obstruction of justice); section  
3 711-1103 (riot); section 711-1109.3 (cruelty to animals/fighting  
4 dogs); section 711-1110.9 (violation of privacy in the first  
5 degree); section 711-1112 (interference with the operator of a  
6 public transit vehicle); section 712-1221 (promoting gambling in  
7 the first degree); section 712-1222.5 (promoting gambling aboard  
8 ships); section 712-1224 (possession of gambling records in the  
9 first degree); section 712-1243 (promoting a dangerous drug in  
10 the third degree); section 712-1246 (promoting a harmful drug in  
11 the third degree); section 712-1247 (promoting a detrimental  
12 drug in the first degree); section 712-1249.6 (promoting a  
13 controlled substance in, on, or near schools or school  
14 vehicles); section 803-42 (interception, access, and disclosure  
15 of wire, oral, or electronic communications, use of pen  
16 register, trap and trace device, and mobile tracking device  
17 prohibited); or section 846E-9(b) (failure to comply with  
18 covered offender registration requirements).

19 (b) Criminal charges may be instituted by written  
20 information for a felony when the charge is a class B felony  
21 under section 134-23 (place to keep loaded firearms other than  
22 pistols and revolvers); section 134-25 (place to keep pistol or



1 revolver); section 134-26 (carrying or possessing a loaded  
2 firearm on a public highway); section 134-7(b) (ownership or  
3 possession prohibited); section 329-43.5 (prohibited acts  
4 related to drug paraphernalia); section 708-810 (burglary in the  
5 first degree); section 708-830 (theft in the first degree);  
6 section 708-839.7 (identity theft in the second degree); section  
7 708-851 (forgery in the first degree); section 708-891 (computer  
8 fraud in the first degree); section 708-892 (computer damage in  
9 the first degree); section 712-1240.8 (methamphetamine  
10 trafficking in the second degree); section 712-1242 (promoting a  
11 dangerous drug in the second degree); section 712-1245  
12 (promoting a harmful drug in the second degree); or section 712-  
13 1249.5 (commercial promotion of marijuana in the second degree).

14 (c) Criminal charges may be instituted by written  
15 information for a felony when the charge is a felony under  
16 section 19-3 (election fraud); section 480-4 (combinations in  
17 restraint of trade, price-fixing and limitation of production  
18 prohibited); section 480-6 (refusal to deal); or section 480-9  
19 (monopolization).

20 (d) Criminal charges may be instituted by written  
21 information for a felony when the charge is a charge under  
22 section 329-46 (prohibited acts related to visits to more than



1 one practitioner to obtain controlled substance prescriptions)  
2 and the comparable offense under part IV of chapter 712 as  
3 enumerated in subsection (a), (b), or (c).

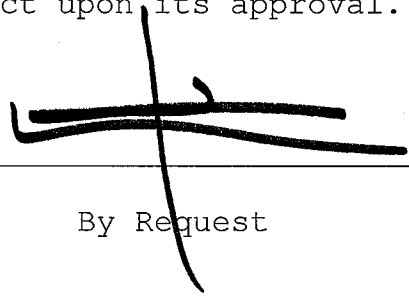
4 (e) Criminal charges may be instituted by written  
5 information for a felony when the charge is a charge that  
6 involves [†]section[†] 702-221 (liability for conduct of  
7 another), [†]section[†] 702-222 (accomplice liability),  
8 [†]section[†] 702-223 (complicity), [†]section[†] 705-500  
9 (criminal attempt), [†]section[†] 705-510 (criminal  
10 solicitation), or [†]section[†] 705-520 (criminal conspiracy),  
11 and the underlying offense is an offense listed above in  
12 subsection (a), (b), (c), or (d)."

13 SECTION 2. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

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

16

INTRODUCED BY: \_\_\_\_\_



By Request



**Report Title:**

Information Charging; Charging of Criminal Offenses

**Description:**

Amends section 806-83, Hawaii Revised Statutes, to add felony offenses which may be charged by written information.

