
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 \$60, 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 \$60 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) Of the bond filing fees collected pursuant to this
14 section, \$30 shall be retained by the agency processing the bond
15 paid under section 804-7 and \$30 shall be deposited in the
16 general fund of the State."

17 SECTION 2. Section 804-7, Hawaii Revised Statutes, is
18 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) When a person has been admitted to bail and the court
5 with jurisdiction is closed, any law enforcement agency in the
6 county in which the person is detained shall accept cash bonds,
7 surety bonds, and own recognizance bonds; provided that bonds
8 shall be accepted by a law enforcement agency only on weekends
9 and holidays during the hours that the court would otherwise be
10 open on weekdays. The law enforcement agency shall accept:

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

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

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

21 (d) For purposes of this section, "law enforcement agency"
22 means any agency of the State or a county vested by law with



1 authority to make arrests for criminal offenses and detain
2 arrested persons pending court action, including the county
3 police departments and the department of the attorney general.

4 (e) The attorney general may adopt rules pursuant to
5 chapter 91 to effectuate the purpose of this section."

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9



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 on weekends and holidays. Specifies from whom bail may be accepted. Requires prompt release after acceptance of bail. Requires payment of bond filing fee. (CD1)

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