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

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

15           "**§804-7 Release after bail[-]; procedure when court**  
16 **closed.** (a) When bail is offered and taken the prisoner shall  
17 be promptly discharged from custody or imprisonment.

1       (b) A law enforcement agency having custody of a person  
2 shall accept cash bail and bail bonds when the court with  
3 jurisdiction is closed, including nights, weekends, and  
4 holidays. The law enforcement agency shall accept:

5       (1) Cash and certified copies of bail bonds pre-filed with  
6 the court from any person; and

7       (2) An original bail bond only from a person licensed  
8 pursuant to chapter 431 as a bail agent or to sell,  
9 solicit, and negotiate surety insurance.

10       (c) A law enforcement agency accepting cash bail or an  
11 original bail bond pursuant to subsection (b) shall submit the  
12 cash bail or original bail bond to the court with jurisdiction  
13 no later than 4:00 p.m. on the first business day following  
14 acceptance.

15       (d) For purposes of this section, "law enforcement agency"  
16 means any agency of the State or a county vested by law with  
17 authority to make arrests for criminal offenses, to detain  
18 arrested persons pending court action, or to take and keep  
19 custody of convicted persons, including the county police  
20 departments, the department of the attorney general, and the  
21 department of public safety."

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1 SECTION 3. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 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 bail, certified copies of pre-filed bail bonds, and original bail bonds when the court is closed, including nights, weekends, and holidays. Specifies from whom bail may be accepted. Requires prompt release after acceptance of bail. Requires bail bond filing fee. (SD1)

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