
A BILL FOR AN ACT

RELATING TO FELONIES FOR WHICH CRIMINAL CHARGES MAY BE
INSTITUTED 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 by amending subsections (a) and (b) to read as follows:
3 "(a) Criminal charges may be instituted by written
4 information for a felony when the charge is a class C felony
5 under section 19-3.5 (voter fraud); section 128D-10 (knowing
6 releases); section 132D-14(a)(1), (2)(A), and (3) (relating to
7 penalties for failure to comply with requirements of sections
8 132D-7, 132D-10, and 132D-16); section 134-24 (place to keep
9 unloaded firearms other than pistols and revolvers); section
10 134-7(a) and (b) (ownership or possession prohibited); section
11 134-8 (ownership, etc., of automatic firearms, silencers, etc.,
12 prohibited; penalties); section 134-9 (licenses to carry);
13 section 134-17(a) (relating to false information or evidence
14 concerning psychiatric or criminal history); section 134-51
15 (deadly weapons); section 134-52 (switchblade knives); section
16 134-53 (butterfly knives); section 188-23 (possession or use of
17 explosives, electrofishing devices, and poisonous substances in



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



1 and exemptions); section 485A-403 (investment advisor
2 registration requirement and exemptions); section 485A-404
3 (investment advisor representative registration requirement and
4 exemptions); section 485A-405 (federal covered investment
5 adviser notice filing requirement); section 485A-501 (general
6 fraud); section 485A-502 (prohibited conduct in providing
7 investment advice); section 707-703 (negligent homicide in the
8 second degree); section 707-705 (negligent injury in the first
9 degree); section 707-711 (assault in the second degree); section
10 707-713 (reckless endangering in the first degree); section 707-
11 721 (unlawful imprisonment in the first degree); section 707-726
12 (custodial interference in the first degree); section 707-757
13 (electronic enticement of a child in the second degree); section
14 707-766 (extortion in the second degree); section 708-803
15 (habitual property crime); section 708-811 (burglary in the
16 second degree); section 708-812.6 (unauthorized entry in a
17 dwelling in the second degree); section 708-821 (criminal
18 property damage in the second degree); section 708-831 (theft in
19 the second degree); section 708-833.5 (shoplifting); section
20 708-835.5 (theft of livestock); section 708-835.7 (theft of
21 copper); section 708-836 (unauthorized control of propelled
22 vehicle); section 708-836.5 (unauthorized entry into motor



1 vehicle in the first degree); section 708-839.5 (theft of
2 utility services); section 708-839.55 (unauthorized possession
3 of confidential personal information); section 708-839.8
4 (identity theft in the third degree); section 708-852 (forgery
5 in the second degree); section 708-854 (criminal possession of a
6 forgery device); section 708-858 (suppressing a testamentary or
7 recordable instrument); section 708-875 (trademark
8 counterfeiting); section 708-891.5 (computer fraud in the second
9 degree); section 708-892.5 (computer damage in the second
10 degree); section 708-895.6 (unauthorized computer access in the
11 second degree); section 708-8100 (fraudulent use of a credit
12 card); section 708-8102 (theft, forgery, etc., of credit cards);
13 section 708-8103 (credit card fraud by a provider of goods or
14 services); section 708-8104 (possession of unauthorized credit
15 card machinery or incomplete cards); section 708-8200 (cable
16 television service fraud in the first degree); section 708-8202
17 (telecommunication service fraud in the first degree); section
18 709-903.5 (endangering the welfare of a minor in the first
19 degree); section 709-906 (abuse of family or household members);
20 section 710-1016.3 (obtaining a government-issued identification
21 document under false pretenses in the first degree); section
22 710-1016.6 (impersonating a law enforcement officer in the first



1 degree); section 710-1017.5 (sale or manufacture of deceptive
2 identification document); section 710-1018 (securing the
3 proceeds of an offense); section 710-1021 (escape in the second
4 degree); section 710-1023 (promoting prison contraband in the
5 second degree); section 710-1024 (bail jumping in the first
6 degree); section 710-1029 (hindering prosecution in the first
7 degree); section 710-1060 (perjury); section 710-1072.5
8 (obstruction of justice); section 711-1103 (riot); section 711-
9 1109.3 (cruelty to animals; fighting dogs); section 711-1110.9
10 (violation of privacy in the first degree); section 711-1112
11 (interference with the operator of a public transit vehicle);
12 section 712-1221 (promoting gambling in the first degree);
13 section 712-1222.5 (promoting gambling aboard ships); section
14 712-1224 (possession of gambling records in the first degree);
15 section 712-1243 (promoting a dangerous drug in the third
16 degree); section 712-1246 (promoting a harmful drug in the third
17 degree); section 712-1247 (promoting a detrimental drug in the
18 first degree); section 712-1249.6 (promoting a controlled
19 substance in, on, or near schools, school vehicles, or public
20 parks); section 803-42 (interception, access, and disclosure of
21 wire, oral, or electronic communications, use of pen register,
22 trap and trace device, and mobile tracking device prohibited);



1 or section 846E-9(b) (failure to comply with covered offender
2 registration requirements).

3 (b) Criminal charges may be instituted by written
4 information for a felony when the charge is a class B felony
5 under section 134-7(b) (ownership or possession prohibited,
6 when; penalty); 134-23 (place to keep loaded firearms other than
7 pistols and revolvers; penalties); section 134-25 (place to keep
8 pistol or revolver; penalty); section 134-26 (carrying or
9 possessing a loaded firearm on a public highway; penalty);
10 section 329-43.5 (prohibited acts related to drug
11 paraphernalia); section 708-812.55 (unauthorized entry in a
12 dwelling in the first degree); section 708-810 (burglary in the
13 first degree); section 708-830.5 (theft in the first degree);
14 section 708-839.7 (identity theft in the second degree); section
15 708-851 (forgery in the first degree); section 708-891 (computer
16 fraud in the first degree); section 708-892 (computer damage in
17 the first degree); section 712-1240.8 (methamphetamine
18 trafficking in the second degree); section 712-1242 (promoting a
19 dangerous drug in the second degree); section 712-1245
20 (promoting a harmful drug in the second degree); or section 712-
21 1249.5 (commercial promotion of marijuana in the second
22 degree)."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 3. New statutory material is underscored.

5 SECTION 4. This Act shall take effect on January 7, 2059.



Report Title:

Felonies Chargeable by Written Information; Prosecuting Attorney Package

Description:

Amends section 806-83, HRS, to add felonies for which criminal charges may be instituted by written information (section 708-803 (habitual property crime), section 708-812.55 (unauthorized entry in a dwelling in the first degree), section 708-812.6 (unauthorized entry in a dwelling in the second degree), and section 708-835.7 (theft of copper). Effective January 7, 2059. (HB1771 HD1)

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

