

JAN 18 2012

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- (unauthorized entry in a dwelling
12 in the first degree); section 708-810 (burglary in the first
13 degree); section 708-830.5 (theft in the first degree); section
14 708-839.7 (identity theft in the second degree); section 708-851
15 (forgery in the first degree); section 708-891 (computer fraud
16 in the first degree); section 708-892 (computer damage in the
17 first degree); section 712-1240.8 (methamphetamine trafficking
18 in the second degree); section 712-1242 (promoting a dangerous
19 drug in the second degree); section 712-1245 (promoting a
20 harmful drug in the second degree); or section 712-1249.5
21 (commercial promotion of marijuana in the second 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 July 1, 2012.

6

INTRODUCED BY: 
BY REQUEST



S.B. NO. 2058

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- (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)).

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

