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# 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 134-24  
15 (place to keep unloaded firearms other than pistols and  
16 revolvers); section 134-51 (deadly weapons); section 134-52  
17 (switchblade knives); section 134-53 (butterfly knives); section



1 188-23 (possession or use of explosives, electrofishing devices,  
2 and poisonous substances in state waters prohibited); section  
3 231-34 (attempt to evade or defeat tax); section 231-36 (false  
4 and fraudulent statements); section 245-37 (sale or purchase of  
5 packages of cigarettes without stamps); section 245-38 (vending  
6 unstamped cigarettes); section 245-51 (export and foreign  
7 cigarettes prohibited); section 245-52 (alteration of packaging  
8 prohibited); section 291C-12.5 (accidents involving substantial  
9 bodily injury); section 291E-61.5 (habitually operating a  
10 vehicle under the influence of an intoxicant); section 329-41  
11 (prohibited acts B--penalties); section 329-42 (prohibited acts  
12 C--penalties); section 329-43.5 (prohibited acts related to drug  
13 paraphernalia); section [~~329C-2~~] 329C-2(b) (manufacture,  
14 distribution, or possession with intent to distribute an  
15 imitation controlled substance to a person under eighteen years  
16 of age); section 346-34(d)(2) and (e) (relating to fraud  
17 involving food stamps or coupons); section 346-43.5 (medical  
18 assistance frauds; penalties); section 383-141 (falsely  
19 obtaining benefits, etc.); section 431:2-403(b)(2) (insurance  
20 fraud); section 482D-7 (violation of fineness standards and  
21 stamping requirements); section 485A-301 (securities  
22 registration requirement); section 485A-401 (broker-dealer



1 registration requirement and exemptions); section 485A-402  
2 (agent registration requirement and exemptions); section  
3 485A-403 (investment advisor registration requirement and  
4 exemptions); section 485A-404 (investment advisor representative  
5 registration requirement and exemptions); section 485A-405  
6 (federal covered investment adviser notice filing requirement);  
7 section 485A-501 (general fraud); section 485A-502 (prohibited  
8 conduct in providing investment advice); section 707-703  
9 (negligent homicide in the second degree); section 707-705  
10 (negligent injury in the first degree); section 707-711 (assault  
11 in the second degree); section 707-713 (reckless endangering in  
12 the first degree); section 707-721 (unlawful imprisonment in the  
13 first degree); section 707-726 (custodial interference in the  
14 first degree); section 707-757 (electronic enticement of a child  
15 in the second degree); section 707-766 (extortion in the second  
16 degree); section 708-803 (habitual property crime); section  
17 708-811 (burglary in the second degree); section 708-812.6  
18 (unauthorized entry in a dwelling[+] in the second degree);  
19 section 708-821 (criminal property damage in the second degree);  
20 section 708-831 (theft in the second degree); section 708-833.5  
21 (shoplifting); section 708-835.5 (theft of livestock); section  
22 708-835.7 (theft of copper); section 708-836 (unauthorized



1 control of propelled vehicle); section 708-836.5 (unauthorized  
2 entry into motor vehicle in the first degree); section 708-839.5  
3 (theft of utility services); section 708-839.55 (unauthorized  
4 possession of confidential personal information); section  
5 708-839.8 (identity theft in the third degree); section 708-852  
6 (forgery in the second degree); section 708-854 (criminal  
7 possession of a forgery device); section 708-858 (suppressing a  
8 testamentary or recordable instrument); section 708-875  
9 (trademark counterfeiting); section 708-891.5 (computer fraud in  
10 the second degree); section 708-892.5 (computer damage in the  
11 second degree); section 708-895.6 (unauthorized computer access  
12 in the second degree); section 708-8100 (fraudulent use of a  
13 credit card); section 708-8102 (theft, forgery, etc., of credit  
14 cards); section 708-8103 (credit card fraud by a provider of  
15 goods or services); section 708-8104 (possession of unauthorized  
16 credit card machinery or incomplete cards); section 708-8200  
17 (cable television service fraud in the first degree); section  
18 708-8202 (telecommunication service fraud in the first degree);  
19 section 709-903.5 (endangering the welfare of a minor in the  
20 first degree); section 709-906 (abuse of family or household  
21 members); section 710-1016.3 (obtaining a government-issued  
22 identification document under false pretenses in the first



1 degree); section 710-1016.6 (impersonating a law enforcement  
2 officer in the first degree); section 710-1017.5 (sale or  
3 manufacture of deceptive identification document); section  
4 710-1018 (securing the proceeds of an offense); section 710-1021  
5 (escape in the second degree); section 710-1023 (promoting  
6 prison contraband in the second degree); section 710-1024 (bail  
7 jumping in the first degree); section 710-1029 (hindering  
8 prosecution in the first degree); section 710-1060 (perjury);  
9 section 710-1072.5 (obstruction of justice); section 711-1103  
10 (riot); [~~section 711-1109.3 (cruelty to animals; fighting~~  
11 ~~dogs)-]~~ section 711-1109.35 (cruelty to animals by fighting dogs  
12 in the second degree); section 711-1110.9 (violation of privacy  
13 in the first degree); section 711-1112 (interference with the  
14 operator of a public transit vehicle); section 712-1221  
15 (promoting gambling in the first degree); section 712-1222.5  
16 (promoting gambling aboard ships); section 712-1224 (possession  
17 of gambling records in the first degree); section 712-1243  
18 (promoting a dangerous drug in the third degree); section  
19 712-1246 (promoting a harmful drug in the third degree); section  
20 712-1247 (promoting a detrimental drug in the first degree);  
21 section [~~712-1249.6~~] 712-1249.6(1)(a), (b), and (c) (promoting a  
22 controlled substance in, on, or near schools, school vehicles,



1 or public parks); section 803-42 (interception, access, and  
2 disclosure of wire, oral, or electronic communications, use of  
3 pen register, trap and trace device, and mobile tracking device  
4 prohibited); or section [~~846E-9(b)~~] 846E-9 (failure to comply  
5 with covered offender registration requirements).

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



1 (promoting a harmful drug in the second degree); or section  
2 712-1249.5 (commercial promotion of marijuana in the second  
3 degree)."

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

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

9 SECTION 4. This Act shall take effect on July 1, 2050.



**Report Title:**

Felonies Chargeable by Written Information; Prosecuting Attorney Package

**Description:**

Adds felonies for which criminal charges may be instituted by written information including habitual property crime, unauthorized entry in a dwelling in the first or second degree, and theft of copper. Effective 07/01/50. (SD1)

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

