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## A BILL FOR AN ACT

RELATING TO THE INSTITUTION OF CRIMINAL CHARGES.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 806-83, Hawaii Revised Statutes, is  
2 amended as follows:  
3           1. By amending subsections (a) and (b) to read:  
4           "(a) Criminal charges may be instituted by written  
5 information for a felony when the charge is a class C felony,  
6 except under [~~section 19-3.5 (voter fraud); section 128D-10~~  
7 ~~(knowing releases); section 132D-14 (a) (1), (2) (A), and (3)~~  
8 ~~(relating to penalties for failure to comply with requirements~~  
9 ~~of sections 132D-7, 132D-10, and 132D-16); section 134-7(a) and~~  
10 ~~(b) (ownership or possession prohibited); section 134-8~~  
11 ~~(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 (manufacture, distribution, or~~  
14 ~~possession with intent to distribute an imitation controlled~~  
15 ~~substance to a person under eighteen years of age); section 346-~~  
16 ~~34(d) (2) and (e) (relating to fraud involving food stamps or~~  
17 ~~coupons); section 346-43.5 (medical assistance frauds,~~  
18 ~~penalties); section 383-141 (falsely obtaining benefits, etc.);~~  
19 ~~section 431:2-403(b) (2) (insurance fraud); section 482D-7~~  
20 ~~(violation of fineness standards and stamping requirements);~~  
21 ~~section 485A-301 (securities registration requirement); section~~



1 ~~485A 401 (broker-dealer registration requirement and~~  
2 ~~exemptions); section 485A 402 (agent registration requirement~~  
3 ~~and exemptions); section 485A 403 (investment adviser~~  
4 ~~registration requirement and exemptions); section 485A 404~~  
5 ~~(investment adviser representative registration requirement and~~  
6 ~~exemptions); section 485A 405 (federal covered investment~~  
7 ~~adviser notice filing requirement); section 485A 501 (general~~  
8 ~~fraud); section 485A 502 (prohibited conduct in providing~~  
9 ~~investment advice); section 707 703 (negligent homicide in the~~  
10 ~~second degree); section 707 705 (negligent injury in the first~~  
11 ~~degree); section 707 711 (assault in the second degree); section~~  
12 ~~707 713 (reckless endangering in the first degree); section 707~~  
13 ~~721 (unlawful imprisonment in the first degree); section 707 726~~  
14 ~~(custodial interference in the first degree); section 707 757~~  
15 ~~(electronic enticement of a child in the second degree); section~~  
16 ~~707 766 (extortion in the second degree); section 708 811~~  
17 ~~(burglary in the second degree); section 708 812.6 (unauthorized~~  
18 ~~entry in a dwelling in the second degree); section 708 821~~  
19 ~~(criminal property damage in the second degree); section 708 831~~  
20 ~~(theft in the second degree); section 708 833.5 (shoplifting);~~  
21 ~~section 708 835.5 (theft of livestock); section 708 836~~



1 ~~(unauthorized control of propelled vehicle); section 708-836.5~~  
2 ~~(unauthorized entry into motor vehicle in the first degree);~~  
3 ~~section 708-839.5 (theft of utility services); section 708-~~  
4 ~~839.55 (unauthorized possession of confidential personal~~  
5 ~~information); section 708-839.8 (identity theft in the third~~  
6 ~~degree); section 708-852 (forgery in the second degree); section~~  
7 ~~708-854 (criminal possession of a forgery device); section 708-~~  
8 ~~858 (suppressing a testamentary or recordable instrument);~~  
9 ~~section 708-875 (trademark counterfeiting); section 708-891.6~~  
10 ~~(computer fraud in the third degree); section 708-892.6~~  
11 ~~(computer damage in the third degree); section 708-895.7~~  
12 ~~(unauthorized computer access in the third degree); section 708-~~  
13 ~~8100 (fraudulent use of a credit card); section 708-8102 (theft,~~  
14 ~~forgery, etc., of credit cards); section 708-8103 (credit card~~  
15 ~~fraud by a provider of goods or services); section 708-8104~~  
16 ~~(possession of unauthorized credit card machinery or incomplete~~  
17 ~~cards); section 708-8200 (cable television service fraud in the~~  
18 ~~first degree); section 708-8202 (telecommunication service fraud~~  
19 ~~in the first degree); section 709-903.5 (endangering the welfare~~  
20 ~~of a minor in the first degree); section 709-906 (abuse of~~  
21 ~~family or household members); section 710-1016.3 (obtaining a~~



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



1 ~~a controlled substance in, on, or near schools, school vehicles,~~  
2 ~~public parks, or public housing projects or complexes); section~~  
3 ~~803-42 (interception, access, and disclosure of wire, oral, or~~  
4 ~~electronic communications, use of pen register, trap and trace~~  
5 ~~device, and mobile tracking device prohibited); or section 846E-~~  
6 ~~9 (failure to comply with covered offender registration~~  
7 ~~requirements).] :~~

- 8       (1) Section 707-712.5 (assault against a law enforcement  
9       officer in the first degree);
- 10       (2) Section 707-732 (sexual assault in the third degree);
- 11       (3) Section 707-741 (incest);
- 12       (4) Section 707-752 (promoting child abuse in the third  
13       degree);
- 14       (5) Section 709-904.5 (compensation by an adult of  
15       juveniles for crimes; grade or class of offense  
16       increased);
- 17       (6) Section 710-1070 (bribery of or by a witness);
- 18       (7) Section 710-1071 (intimidating a witness);
- 19       (8) Section 710-1072.2 (retaliating against a witness);
- 20       (9) Section 710-1073 (bribery of or by a juror);
- 21       (10) Section 710-1075 (jury tampering);



- 1        (11) Section 710-1075.5 (retaliating against a juror);  
2        (12) Section 711-1106.4 (aggravated harassment by  
3        stalking);  
4        (13) Section 711-1110.9 (violation of privacy in the first  
5        degree);  
6        (14) Section 712-1208 (promoting travel for prostitution);  
7        (15) Section 712-1215 (promoting pornography for minors);  
8        (16) Section 712-1218 (failure to maintain age verification  
9        records of sexual performers);  
10       (17) Section 712-1218.5 (failure to maintain age  
11       verification records of sexually exploited  
12       individuals); or  
13       (18) Section 712-1219 (failure to affix information  
14       disclosing location of age verification records of  
15       sexual performers).

16       (b) Criminal charges may be instituted by written  
17 information for a felony when the charge is a class B felony,  
18 except under [section 134-7(b) (ownership or possession  
19 prohibited, when, penalty); section 134-23 (place to keep loaded  
20 firearms other than pistols and revolvers, penalties); section  
21 134-25 (place to keep pistol or revolver, penalty); section 134-



1 ~~26 (carrying or possessing a loaded firearm on a public highway;~~  
 2 ~~penalty); section 329-43.5 (prohibited acts related to drug~~  
 3 ~~paraphernalia); section 708-810 (burglary in the first degree);~~  
 4 ~~section 708-830.5 (theft in the first degree); section 708-839.7~~  
 5 ~~(identity theft in the second degree); section 708-851 (forgery~~  
 6 ~~in the first degree); section 708-891.5 (computer fraud in the~~  
 7 ~~second degree); section 708-892.5 (computer damage in the second~~  
 8 ~~degree); section 712-1240.8 (methamphetamine trafficking in the~~  
 9 ~~second degree); section 712-1242 (promoting a dangerous drug in~~  
 10 ~~the second degree); section 712-1245 (promoting a harmful drug~~  
 11 ~~in the second degree); or section 712-1249.5 (commercial~~  
 12 ~~promotion of marijuana in the second degree)].~~

- 13       (1) Section 707-720 (kidnapping);  
 14       (2) Section 707-731 (sexual assault in the second degree);  
 15       (3) Section 707-751 (promoting child abuse in the second  
 16       degree);  
 17       (4) Section 708-841 (robbery in the second degree);  
 18       (5) Section 710-1031 (intimidating a correctional worker);  
 19       or  
 20       (6) Section 712-1203 (promoting prostitution in the second  
 21       degree)."





1           2. By amending subsections (d) and (e) to read:

2           "(d) Criminal charges may be instituted by written  
3 information for a felony when the charge is a charge under  
4 section 329-46 (prohibited acts related to visits to more than  
5 one practitioner to obtain controlled substance prescriptions)  
6 and the comparable offense under part IV of chapter 712 [~~as~~] is  
7 enumerated in subsection (a), (b), or (c).

8           (e) Criminal charges may be instituted by written  
9 information for a felony when the charge is a charge that  
10 involves section 702-221 (liability for conduct of another),  
11 section 702-222 (liability for the conduct of another;  
12 complicity), section 702-223 (liability for the conduct of  
13 another; complicity with respect to the result), section 705-500  
14 (criminal attempt), section 705-510 (criminal solicitation), or  
15 section 705-520 (criminal conspiracy), and the underlying  
16 offense is an offense not listed [~~above~~] in subsection (a), (b),  
17 (c), or (d)."

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



# H.B. NO. 1665

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 upon its approval.

4

INTRODUCED BY:



BY REQUEST

JAN 20 2016



# H.B. NO. 1665

**Report Title:**

Honolulu Prosecuting Attorney Package; Criminal Charging;  
Written Information; Inapplicable Charges

**Description:**

Enumerates felony charges for which charging by written  
information shall not be instituted.

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

