
A BILL FOR AN ACT

RELATING TO THE RELEASE OF CERTAIN MISDEMEANANTS.

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

1 SECTION 1. Chapter 353, Hawaii Revised Statutes, is
2 amended by adding two new sections to be appropriately
3 designated and to read as follows:

4 "§353-A Release of pretrial and sentenced misdemeanants to
5 prevent overcrowding. (a) Notwithstanding chapter 804 and any
6 other law to the contrary and except as provided in subsection
7 (b), the director may order the release of a pre-trial or
8 sentenced misdemeanant on recognizance to prevent overcrowding
9 when a community correctional center has reached capacity, as
10 determined by the director. The director's order shall
11 supersede and have the same force and effect as an order entered
12 by a court pursuant to chapter 804. A copy of the director's
13 order shall be filed with the court in which the charge against
14 the inmate is pending. For purposes of this section, "sentenced
15 misdemeanant" shall mean a misdemeanant or petty misdemeanant
16 sentenced pursuant to section 706-663.

17 (b) No person who has been:



1 (1) Denied bail or whose bail has been set at more than
2 \$5,000 pursuant to chapter 804;
3 (2) Charged with or convicted of or is on probation or
4 parole for a serious crime, as defined in section 804-
5 3; or
6 (3) Arrested or convicted for abuse of family or household
7 members, as defined in section 709-906,
8 shall be eligible for release pursuant to this section.

9 (c) The authority to release a pretrial or sentenced
10 misdemeanant pursuant to this section is granted solely for the
11 purpose of managing the population of the community correctional
12 centers and nothing herein shall be construed as granting any
13 person the right to be released. An order releasing a pretrial
14 or sentenced misdemeanant pursuant to this section shall not
15 operate to dismiss or otherwise terminate any charges then
16 pending against the pretrial or sentenced misdemeanant.

17 (d) The State, its officers, and employees, shall not be
18 subject to any civil liability or penalty, nor to any criminal
19 prosecution, for any error in judgment or discretion made in
20 good faith and upon reasonable grounds in any action taken or



1 omitted by the State, its officers, and employees, in an
2 official capacity under this section.

3 (e) The director shall adopt policies and procedures for
4 the release of pretrial and sentenced misdemeanants pursuant to
5 this section.

6 §353-B Terms and conditions of release; violations;
7 sanctions. (a) A pretrial or sentenced misdemeanant released
8 pursuant to section 353-A shall be subject to the conditions
9 stated in section 804-7.4. In addition, the director may impose
10 any of the conditions that a court is authorized to impose
11 pursuant to section 804-7.1 and shall impose any conditions
12 contained in any court order superseded by the director's order.

13 (b) Intentional violations of the conditions of release
14 shall be disposed of as provided in sections 804-7.2 and 804-
15 7.3."

16 SECTION 2. In codifying the new sections added by section
17 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 3. New statutory material is underscored.

21 SECTION 4. This Act shall take effect on July 1, 2016.



Report Title:

Release of Certain Misdemeanants

Description:

Defines the circumstance for the Director of Public Safety to release pretrial and sentenced misdemeanants at community correctional centers. (HB2391 HD1)

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

