

JAN 22 2016

A BILL FOR AN ACT

RELATING TO INFORMATION CHARGING.

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

1 SECTION 1. Section 806-83, Hawaii Revised Statutes, is
2 amended to read as follows:
3 "~~§806-83 Felonies for which criminal charges may be~~
4 ~~instituted by written information. (a) Criminal charges may be~~
5 ~~instituted by written information for a felony when the charge~~
6 ~~is a class C felony, except under section [19-3-5 (voter fraud);~~
7 ~~section 128D-10 (knowing releases); section 132D-14(a)(1),~~
8 ~~(2)(A), and (3) (relating to penalties for failure to comply~~
9 ~~with requirements of sections 132D-7, 132D-10, and 132D-16);~~
10 ~~section 134-7(a) and (b) (ownership or possession prohibited);~~
11 ~~section 134-8 (ownership, etc., of automatic firearms,~~
12 ~~silencers, etc., prohibited; penalties); section 134-9 (licenses~~
13 ~~to carry); section 134-17(a) (relating to false information or~~
14 ~~evidence concerning psychiatric or criminal history); section~~
15 ~~134-24 (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).] 707-712.5 (assault against a law enforcement
8 officer in the first degree); section 707-732 (sexual assault in
9 the third degree); section 707-741 (incest); section 707-752
10 (promoting child abuse in the third degree); section 709-904.5
11 (compensation by an adult of juveniles for crimes); 710-1070
12 (bribery of or by a witness); section 710-1071 (intimidating a
13 witness); section 710-1072.2 (retaliating against a witness);
14 710-1073 (bribery of or by a juror); section 710-1075 (jury
15 tampering); section 710-1075.5 (retaliating against a juror);
16 section 711-1106.4 (aggravated harassment by stalking); section
17 711-1110.9 (violation of privacy in the first degree); section
18 712-1208 (promoting travel for prostitution); section 712-1215
19 (promoting pornography for minors); section 712-1218 (failure to
20 maintain age verification records of sexual performers); section
21 712-1218.5 (failure to maintain age verification records of~~



1 sexually exploited individuals); and section 712-1219 (failure
2 to affix information disclosing location of age verification
3 records of sexual performers).

4 (b) Criminal charges may be instituted by written
5 information for a felony when the charge is a class B felony,
6 except under section [134-7(b) (ownership or possession
7 prohibited, when; penalty); section 134-23 (place to keep loaded
8 firearms other than pistols and revolvers; penalties); section
9 134-25 (place to keep pistol or revolver; penalty); section 134-
10 26 (carrying or possessing a loaded firearm on a public highway;
11 penalty); section 329-43.5 (prohibited acts related to drug
12 paraphernalia); section 708-810 (burglary in the first degree);
13 section 708-830.5 (theft in the first degree); section 708-839.7
14 (identity theft in the second degree); section 708-851 (forgery
15 in the first degree); section 708-891.5 (computer fraud in the
16 second degree); section 708-892.5 (computer damage in the second
17 degree); section 712-1240.8 (methamphetamine trafficking in the
18 second degree); section 712-1242 (promoting a dangerous drug in
19 the second degree); section 712-1245 (promoting a harmful drug
20 in the second degree); or section 712-1249.5 (commercial
21 promotion of marijuana in the second degree).] 707-720



1 (kidnapping); section 707-731 (sexual assault in the second
2 degree); section 707-751 (promoting child abuse in the second
3 degree); section 708-841 (robbery in the second degree); section
4 710-1031 (intimidating a correctional worker); and section 712-
5 1203 (promoting prostitution in the second degree).

6 (c) Criminal charges may be instituted by written
7 information for a felony when the charge is a felony under
8 section 19-3 (election frauds); section 480-4 (combinations in
9 restraint of trade, price-fixing and limitation of production
10 prohibited); section 480-6 (refusal to deal); or section 480-9
11 (monopolization).

12 (d) Criminal charges may be instituted by written
13 information for a felony when the charge is a charge under
14 section 329-46 (prohibited acts related to visits to more than
15 one practitioner to obtain controlled substance prescriptions)
16 and the comparable offense under part IV of chapter 712 [as] is
17 not enumerated in subsection (a), (b), or (c).

18 (e) Criminal charges may be instituted by written
19 information for a felony when the charge is a charge that
20 involves section 702-221 (liability for conduct of another),
21 section 702-222 (liability for the conduct of another;



1 complicity), section 702-223 (liability for the conduct of
2 another; complicity with respect to the result), section 705-500
3 (criminal attempt), section 705-510 (criminal solicitation), or
4 section 705-520 (criminal conspiracy), and the underlying
5 offense is an offense not listed [~~above~~] in subsection (a), (b),
6 (c), or (d)."

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

10 SECTION 3. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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S.B. NO. 2423

Report Title:

Information Charging; Crime; Felony

Description:

Authorizes all class B and C felony charges to be instituted by written information subject to specified exceptions.

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

