
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 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:

7 ~~-(1) Section 19-3.5 (voter fraud);~~

8 ~~-(2) Section 128D-10 (knowing releases);~~

9 ~~-(3) Section 132D-14(a)(1), (2)(A), and (3) (relating to~~
10 ~~penalties for failure to comply with requirements of~~
11 ~~sections 132D-7, 132D-10, and 132D-16);~~

12 ~~-(4) Section 134-7(a) and (b) (ownership or possession~~
13 ~~prohibited);~~

14 ~~-(5) Section 134-8 (ownership, etc., of automatic firearms,~~
15 ~~silencers, etc., prohibited, penalties);~~

16 ~~-(6) Section 134-9 (licenses to carry);~~



- 1 ~~(7) Section 134 17(a) (relating to false information or~~
- 2 ~~evidence concerning psychiatric or criminal history);~~
- 3 ~~(8) Section 134 24 (place to keep unloaded firearms other~~
- 4 ~~than pistols and revolvers);~~
- 5 ~~(9) Section 134 51 (deadly weapons);~~
- 6 ~~(10) Section 134 52 (switchblade knives);~~
- 7 ~~(11) Section 134 53 (butterfly knives);~~
- 8 ~~(12) Section 188 23 (possession or use of explosives,~~
- 9 ~~electrofishing devices, and poisonous substances in~~
- 10 ~~state waters prohibited);~~
- 11 ~~(13) Section 231 34 (attempt to evade or defeat tax);~~
- 12 ~~(14) Section 231 36 (false and fraudulent statements);~~
- 13 ~~(15) Section 245 37 (sale or purchase of packages of~~
- 14 ~~cigarettes without stamps);~~
- 15 ~~(16) Section 245 38 (vending unstamped cigarettes);~~
- 16 ~~(17) Section 245 51 (export and foreign cigarettes~~
- 17 ~~prohibited);~~
- 18 ~~(18) Section 245 52 (alteration of packaging prohibited);~~
- 19 ~~(19) Section 291C 12.5 (accidents involving substantial~~
- 20 ~~bodily injury);~~



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- 1 ~~(20) Section 291E 61.5 (habitually operating a vehicle~~
2 ~~under the influence of an intoxicant);~~
- 3 ~~(21) Section 329 41 (prohibited acts B penalties);~~
- 4 ~~(22) Section 329 42 (prohibited acts C penalties);~~
- 5 ~~(23) Section 329 43.5 (prohibited acts related to drug~~
6 ~~paraphernalia);~~
- 7 ~~(24) Section 329C 2 (manufacture, distribution, or~~
8 ~~possession with intent to distribute an imitation~~
9 ~~controlled substance to a person under eighteen years~~
10 ~~of age);~~
- 11 ~~(25) Section 346 34(d)(2) and (e) (relating to fraud~~
12 ~~involving food stamps or coupons);~~
- 13 ~~(26) Section 346 43.5 (medical assistance frauds;~~
14 ~~penalties);~~
- 15 ~~(27) Section 383 141 (falsely obtaining benefits, etc.);~~
- 16 ~~(28) Section 431:2 403(b)(2) (insurance fraud);~~
- 17 ~~(29) Section 482D 7 (violation of fineness standards and~~
18 ~~stamping requirements);~~
- 19 ~~(30) Section 485A 301 (securities registration~~
20 ~~requirement);~~



- 1 ~~(31) Section 485A 401 (broker dealer registration~~
- 2 ~~requirement and exemptions);~~
- 3 ~~(32) Section 485A 402 (agent registration requirement and~~
- 4 ~~exemptions);~~
- 5 ~~(33) Section 485A 403 (investment adviser registration~~
- 6 ~~requirement and exemptions);~~
- 7 ~~(34) Section 485A 404 (investment adviser representative~~
- 8 ~~registration requirement and exemptions);~~
- 9 ~~(35) Section 485A 405 (federal covered investment adviser~~
- 10 ~~notice filing requirement);~~
- 11 ~~(36) Section 485A 501 (general fraud);~~
- 12 ~~(37) Section 485A 502 (prohibited conduct in providing~~
- 13 ~~investment advice);~~
- 14 ~~(38) Section 707 703 (negligent homicide in the second~~
- 15 ~~degree);~~
- 16 ~~(39) Section 707 705 (negligent injury in the first~~
- 17 ~~degree);~~
- 18 ~~(40) Section 707 711 (assault in the second degree);~~
- 19 ~~(41) Section 707 713 (reckless endangering in the first~~
- 20 ~~degree);~~



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- 1 ~~(42) Section 707-721 (unlawful imprisonment in the first~~
- 2 ~~degree);~~
- 3 ~~(43) Section 707-726 (custodial interference in the first~~
- 4 ~~degree);~~
- 5 ~~(44) Section 707-757 (electronic enticement of a child in~~
- 6 ~~the second degree);~~
- 7 ~~(45) Section 707-766 (extortion in the second degree);~~
- 8 ~~(46) Section 708-811 (burglary in the second degree);~~
- 9 ~~(47) Section 708-812.6 (unauthorized entry in a dwelling in~~
- 10 ~~the second degree);~~
- 11 ~~(48) Section 708-821 (criminal property damage in the~~
- 12 ~~second degree);~~
- 13 ~~(49) Section 708-831 (theft in the second degree);~~
- 14 ~~(50) Section 708-833.5 (shoplifting);~~
- 15 ~~(51) Section 708-835.5 (theft of livestock);~~
- 16 ~~(52) Section 708-836 (unauthorized control of propelled~~
- 17 ~~vehicle);~~
- 18 ~~(53) Section 708-836.5 (unauthorized entry into motor~~
- 19 ~~vehicle in the first degree);~~
- 20 ~~(54) Section 708-839.5 (theft of utility services);~~



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- 1 ~~(55) Section 708-839.55 (unauthorized possession of~~
- 2 ~~confidential personal information);~~
- 3 ~~(56) Section 708-839.8 (identity theft in the third~~
- 4 ~~degree);~~
- 5 ~~(57) Section 708-852 (forgery in the second degree);~~
- 6 ~~(58) Section 708-854 (criminal possession of a forgery~~
- 7 ~~device);~~
- 8 ~~(59) Section 708-858 (suppressing a testamentary or~~
- 9 ~~recordable instrument);~~
- 10 ~~(60) Section 708-875 (trademark counterfeiting);~~
- 11 ~~(61) Section 708-891.6 (computer fraud in the third~~
- 12 ~~degree);~~
- 13 ~~(62) Section 708-892.6 (computer damage in the third~~
- 14 ~~degree);~~
- 15 ~~(63) Section 708-895.7 (unauthorized computer access in the~~
- 16 ~~third degree);~~
- 17 ~~(64) Section 708-8100 (fraudulent use of a credit card);~~
- 18 ~~(65) Section 708-8102 (theft, forgery, etc., of credit~~
- 19 ~~cards);~~
- 20 ~~(66) Section 708-8103 (credit card fraud by a provider of~~
- 21 ~~goods or services);~~



- 1 ~~(67) Section 708 8104 (possession of unauthorized credit~~
2 ~~card machinery or incomplete cards);~~
- 3 ~~(68) Section 708 8200 (cable television service fraud in~~
4 ~~the first degree);~~
- 5 ~~(69) Section 708 8202 (telecommunication service fraud in~~
6 ~~the first degree);~~
- 7 ~~(70) Section 709 903.5 (endangering the welfare of a minor~~
8 ~~in the first degree);~~
- 9 ~~(71) Section 709 906 (abuse of family or household~~
10 ~~members);~~
- 11 ~~(72) Section 710 1016.3 (obtaining a government issued~~
12 ~~identification document under false pretenses in the~~
13 ~~first degree);~~
- 14 ~~(73) Section 710 1016.6 (impersonating a law enforcement~~
15 ~~officer in the first degree);~~
- 16 ~~(74) Section 710 1017.5 (sale or manufacture of deceptive~~
17 ~~identification document);~~
- 18 ~~(75) Section 710 1018 (securing the proceeds of an~~
19 ~~offense);~~
- 20 ~~(76) Section 710 1021 (escape in the second degree);~~



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- 1 ~~(77) Section 710 1023 (promoting prison contraband in the~~
- 2 ~~second degree);~~
- 3 ~~(78) Section 710 1024 (bail jumping in the first degree);~~
- 4 ~~(79) Section 710 1029 (hindering prosecution in the first~~
- 5 ~~degree);~~
- 6 ~~(80) Section 710 1060 (perjury);~~
- 7 ~~(81) Section 710 1072.5 (obstruction of justice);~~
- 8 ~~(82) Section 711 1103 (riot);~~
- 9 ~~(83) Section 711 1109.35 (cruelty to animals by fighting~~
- 10 ~~dogs in the second degree);~~
- 11 ~~(84) Section 711 1110.9 (violation of privacy in the first~~
- 12 ~~degree);~~
- 13 ~~(85) Section 711 1112 (interference with the operator of a~~
- 14 ~~public transit vehicle);~~
- 15 ~~(86) Section 712 1221 (promoting gambling in the first~~
- 16 ~~degree);~~
- 17 ~~(87) Section 712 1222.5 (promoting gambling aboard ships);~~
- 18 ~~(88) Section 712 1224 (possession of gambling records in~~
- 19 ~~the first degree);~~
- 20 ~~(89) Section 712 1243 (promoting a dangerous drug in the~~
- 21 ~~third degree);~~



- 1 ~~(90) Section 712-1246 (promoting a harmful drug in the~~
2 ~~third degree);~~
- 3 ~~(91) Section 712-1247 (promoting a detrimental drug in the~~
4 ~~first degree);~~
- 5 ~~(92) Section 712-1249.6(1) (a), (b), or (c) (promoting a~~
6 ~~controlled substance in, on, or near schools, school~~
7 ~~vehicles, public parks, or public housing projects or~~
8 ~~complexes);~~
- 9 ~~(93) Section 803-42 (interception, access, and disclosure~~
10 ~~of wire, oral, or electronic communications, use of~~
11 ~~pen register, trap and trace device, and mobile~~
12 ~~tracking device prohibited); or~~
- 13 ~~(94) Section 846E-9 (failure to comply with covered~~
14 ~~offender registration requirements).]~~
- 15 (1) Section 707-712.5 (assault against a law enforcement
16 officer in the first degree);
- 17 (2) Section 707-732 (sexual assault in the third degree);
- 18 (3) Section 707-741 (incest);
- 19 (4) Section 707-752 (promoting child abuse in the third
20 degree);



- 1 (5) Section 709-904.5 (compensation by an adult of
- 2 juveniles for crimes);
- 3 (6) Section 710-1070 (bribery of or by a witness);
- 4 (7) Section 710-1071 (intimidating a witness);
- 5 (8) Section 710-1072.2 (retaliating against a witness);
- 6 (9) Section 710-1073 (bribery of or by a juror);
- 7 (10) Section 710-1075 (jury tampering);
- 8 (11) Section 710-1075.5 (retaliating against a juror);
- 9 (12) Section 711-1106.4 (aggravated harassment by
- 10 stalking);
- 11 (13) Section 711-1110.9 (violation of privacy in the first
- 12 degree);
- 13 (14) Section 712-1208 (promoting travel for prostitution);
- 14 (15) Section 712-1215 (promoting pornography for minors);
- 15 (16) Section 712-1218 (failure to maintain age verification
- 16 records of sexual performers);
- 17 (17) Section 712-1218.5 (failure to maintain age
- 18 verification records of sexually exploited
- 19 individuals); and



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1 (18) Section 712-1219 (failure to affix information
2 disclosing location of age verification records of
3 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:

7 ~~-(1) Section 134-7(b) (ownership or possession prohibited,~~
8 ~~when; penalty);~~

9 ~~-(2) Section 134-23 (place to keep loaded firearms other~~
10 ~~than pistols and revolvers; penalties);~~

11 ~~-(3) Section 134-25 (place to keep pistol or revolver;~~
12 ~~penalty);~~

13 ~~-(4) Section 134-26 (carrying or possessing a loaded~~
14 ~~firearm on a public highway; penalty);~~

15 ~~-(5) Section 329-43.5 (prohibited acts related to drug~~
16 ~~paraphernalia);~~

17 ~~-(6) Section 708-810 (burglary in the first degree);~~

18 ~~-(7) Section 708-830.5 (theft in the first degree);~~

19 ~~-(8) Section 708-839.7 (identity theft in the second~~
20 ~~degree);~~

21 ~~-(9) Section 708-851 (forgery in the first degree);~~



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- 1 ~~(10) Section 708-891.5 (computer fraud in the second~~
2 ~~degree);~~
- 3 ~~(11) Section 708-892.5 (computer damage in the second~~
4 ~~degree);~~
- 5 ~~(12) Section 712-1242 (promoting a dangerous drug in the~~
6 ~~second degree);~~
- 7 ~~(13) Section 712-1245 (promoting a harmful drug in the~~
8 ~~second degree); or~~
- 9 ~~(14) Section 712-1249.5 (commercial promotion of marijuana~~
10 ~~in the second degree).]~~
- 11 (1) Section 707-720 (kidnapping);
- 12 (2) Section 707-731 (sexual assault in the second degree);
- 13 (3) Section 707-751 (promoting child abuse in the second
14 degree);
- 15 (4) Section 708-841 (robbery in the second degree);
- 16 (5) Section 710-1031 (intimidating a correctional worker);
- 17 and
- 18 (6) Section 712-1203 (promoting prostitution)."
- 19 2. By amending subsections (d) and (e) to read:
- 20 "(d) Criminal charges may be instituted by written
- 21 information for a felony when the charge is [~~a charge~~] under



1 section 329-46 (prohibited acts related to visits to more than
2 one practitioner to obtain controlled substance prescriptions)
3 and the comparable offense under part IV of chapter 712 [~~as~~] is
4 not enumerated in subsection (a), (b), or (c).

5 (e) Criminal charges may be instituted by written
6 information for a felony when [~~the charge is a charge that~~
7 ~~involves section~~]:

8 (1) The charge involves:

9 (A) Section 702-221 (liability for conduct of
10 another) [~~section~~];

11 (B) Section 702-222 (liability for the conduct of
12 another; complicity) [~~section~~];

13 (C) Section 702-223 (liability for the conduct of
14 another; complicity with respect to the result) [~~section~~];

15 (D) Section 705-500 (criminal attempt) [~~section~~];

16 (E) Section 705-510 (criminal solicitation) [~~section~~]; or
17 [section]

18 (F) Section 705-520 (criminal conspiracy) [~~section~~]; and
19 [the]
20



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1 (2) The underlying offense is an offense not listed
 2 [~~above~~] in subsection (a), (b), (c), or (d)."

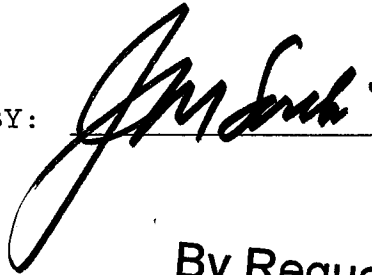
3 SECTION 2. This Act does not affect rights and duties that
 4 matured, penalties that were incurred, and proceedings that were
 5 begun before its effective date.

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

8 SECTION 4. This Act shall take effect on July 1, 2017.

9

INTRODUCED BY:



By Request

JAN 24 2017



H.B. NO. 1352

Report Title:

Criminal Procedure; Crimes; Information Charging; Felonies

Description:

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

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