
A BILL FOR AN ACT

RELATING TO PRETRIAL RELEASE.

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

1 SECTION 1. Section 804-7.1, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§804-7.1 Conditions of release on bail, recognizance, or
4 supervised release. (a) Upon a showing that there exists a
5 danger that the defendant will commit a serious crime or will
6 seek to intimidate witnesses, or will otherwise unlawfully
7 interfere with the orderly administration of justice, the
8 judicial officer named in section 804-5 may deny the defendant's
9 release on bail, recognizance, or supervised release.

10 (b) Upon the defendant's release on bail, recognizance, or
11 supervised release, however, the court may enter an order:

12 (1) Prohibiting the defendant from approaching or
13 communicating with particular persons or classes of
14 persons, except that no such order should be deemed to
15 prohibit any lawful and ethical activity of
16 defendant's counsel;



- 1 (2) Prohibiting the defendant from going to certain
2 described geographical areas or premises;
- 3 (3) Prohibiting the defendant from possessing any
4 dangerous weapon, engaging in certain described
5 activities, or indulging in intoxicating liquors or
6 certain drugs;
- 7 (4) Requiring the defendant to report regularly to and
8 remain under the supervision of an officer of the
9 court;
- 10 (5) Requiring the defendant to maintain employment, or, if
11 unemployed, to actively seek employment, or attend an
12 educational or vocational institution;
- 13 (6) Requiring the defendant to comply with a specified
14 curfew;
- 15 (7) Requiring the defendant to seek and maintain mental
16 health treatment or testing, including treatment for
17 drug or alcohol dependency, or to remain in a
18 specified institution for that purpose;
- 19 (8) Requiring the defendant to remain in the jurisdiction
20 of the judicial circuit in which the charges are
21 pending unless approval is obtained from a court of



1 competent jurisdiction to leave the jurisdiction of
2 the court;

3 (9) Requiring the defendant to submit to the use of
4 electronic monitoring and surveillance;

5 (10) Requiring the confinement of the defendant in the
6 defendant's residence;

7 (11) Requiring the defendant to satisfy any other condition
8 reasonably necessary to ensure the appearance of the
9 defendant as required and to ensure the safety of any
10 other person or community; or

11 (12) Imposing any combination of conditions listed above;
12 provided that the court shall impose the least restrictive non-
13 financial conditions required to ensure the defendant's
14 appearance and to protect the public.

15 (c) Upon the defendant's release on bail, recognizance, or
16 supervised release, the court shall enter an order prohibiting
17 the defendant from approaching or communicating with the
18 complaining witness in addition to any combination of conditions
19 listed in subsection (b) to protect the complaining witness;
20 provided that the court shall impose the least restrictive non-
21 financial conditions required to ensure the defendant's



1 appearance and to protect the complaining witness; provided
2 further that the charged crime pertains to the complaining
3 witness; provided further that the complaining witness has an
4 active protective order against the defendant and the court is
5 aware of the active protective order.

6 (d) The judicial officer may revoke a defendant's bail
7 upon proof that the defendant has breached any of the conditions
8 imposed."

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

12 SECTION 3. New statutory material is underscored.

13 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Pretrial Release; Detainees; Community Correctional Centers; No Contact Order

Description:

Requires the court to impose a no contact order against a pretrial detainee if the detainee is granted a motion for pretrial release; provided that the charged crime pertains to the complaining witness; provided further that the complaining witness has a protective order against the pretrial detainee and the court is aware of the protective order. (SD1)

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