
A BILL FOR AN ACT

RELATING TO BAIL.

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

1 SECTION 1. The legislature finds that the inability to
2 post bail has caused increased overcrowding in our prison
3 system. Studies indicate upwards of 50% of pretrial detainees
4 are incarcerated due to their inability to post bail.

5 The legislature finds that substituting bail for a
6 promissory note system, also known as an "IOU", can ease our
7 prison system from increased overcrowding and expenses, which
8 presently costs Hawaii taxpayers \$259 per day per prisoner in
9 Hawaii.

10 The legislature also finds that SB192 passed by the 2019
11 Hawaii State Legislature, later becoming Act 277, authorized for
12 defendants to be released on unsecured financial bonds under
13 certain circumstances. Yet, adoption of this alternative has
14 been slow at best, and even without seeing its efficacy, has
15 already been overshadowed by attempts to pass more extreme
16 policies, such as no cash bail.

17 The purpose of this Act is to strengthen the implementation
18 of unsecured financial bonds for financially challenged
19 defendants who meet certain qualifications.



1 SECTION 2. Chapter 804, Hawaii Revised Statutes, is amended
2 by adding a new section to be appropriately designated and to
3 read as follows:

4 "§804- Unsecured bail. (a) For financially challenged
5 defendants, the court shall order the defendant released upon
6 the execution of an unsecured financial bond for all or part of
7 the bail amount by the defendant and any additional obligors as
8 may be required by the court, upon the deposit of cash or other
9 security as described in section 804-11.5 for any remaining bail
10 amount not covered by the unsecured financial bond, and subject
11 to any other conditions of release that will reasonably assure
12 the appearance of the defendant in court as required and protect
13 the public.

14 (b) In the event that a defendant fails to appear in court
15 as required or breaches any other condition of release, the
16 court shall enter an order of forfeiture of the unsecured
17 financial bond.

18 (c) In granting or denying unsecured bail, the court shall
19 consider:

20 (1) The defendant's:

21 (A) Employment status and history;

22 (B) Family relationships, specifically the nature
23 and extent of those relationships;



H.B. NO. 1172

Report Title:

Unsecured Bail; Conditions of Release

Description:

Authorizes the court to release a defendant in custody on unsecured bail.

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

