

A Bill for an Act Relating to the Penal Code.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 706-626, Hawaii Revised Statutes, is amended to read as follows:

**“§706-626 Summons or arrest of defendant on probation; commitment without bail.** At any time before the discharge of the defendant or the termination of the period of probation:

- (1) The court may, in connection with the probation, summon the defendant to appear before it or may issue a warrant for the defendant’s arrest;
- (2) A probation or peace officer, having probable cause to believe that the defendant has failed to comply with a requirement imposed as a condition of the order, may arrest the defendant without a warrant and the defendant shall be held in custody pending the posting of bail pursuant to a bail schedule established by the court, or until a hearing date is set; provided that when the punishment for the original offense does not exceed one year, the probation or peace officer may admit the probationer to bail; or
- (3) The court, if there is probable cause to believe that the defendant has committed another crime or has been held to answer therefor, may commit the defendant without bail, pending a determination of the charge by the court having jurisdiction thereof.”

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

SECTION 3. Statutory material to be repealed is bracketed and stricken.<sup>1</sup> New statutory material is underscored.

SECTION 4. This Act shall take effect on July 1, 2001.

(Approved April 25, 2001.)

**Note**

1. No bracketed and stricken material.