

## ACT 277

S.B. NO. 192

A Bill for an Act Relating to Bail.

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

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

**“§804- Unsecured bail.** (a) The court may order the defendant released upon the execution of an unsecured financial bond for all or part of the bail amount by the defendant and any additional obligors as may be required by the court, upon the deposit of cash or other security as described in section 804-11.5 for any remaining bail amount not covered by the unsecured financial bond, and subject to any other conditions of release that will reasonably assure the appearance of the defendant in court as required and protect the public.

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

(c) In granting or denying unsecured bail, the court may consider:

- (1) The defendant’s:
  - (A) Employment status and history;
  - (B) Family relationships, specifically the nature and extent of those relationships;
  - (C) Past and present residences;
  - (D) Character and reputation;
  - (E) Ties to the community;
  - (F) Financial circumstances; and
  - (G) Prior criminal record, if any, and any prior failures to appear in court;
- (2) The agreement of any person to assist the defendant to appear in court when required and to satisfy the conditions of release;
- (3) The results of an empirical and validated pretrial risk assessment;
- (4) The offense charged and any potential sentence; and
- (5) Any other facts the court finds relevant to the defendant’s likelihood to appear in court and satisfy the conditions of release.”

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. New statutory material is underscored.<sup>1</sup>

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

(Became law on July 9, 2019, without the governor’s signature, pursuant to Art. III, §16, State Constitution.)

**Note**

1. Edited pursuant to HRS §23G-16.5.