
A BILL FOR AN ACT

RELATING TO BAIL.

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

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

4 "§804- Unsecured bail. (a) After an amount of bail is
5 determined by a justice or judge pursuant to section 804-9, a
6 defendant in custody may petition the court for unsecured bail.

7 Upon a showing that:

8 (1) Securing the bail bond or obtaining a surety or
9 sureties to secure the bail bond pursuant to section
10 804-11.5 would result in significant financial
11 hardship; and

12 (3) The continued incarceration of the defendant would
13 jeopardize the defendant's ability to maintain
14 employment, remain enrolled in any educational or
15 training program, care for a dependent, continue
16 medical or therapeutic treatment, or maintain housing;
17 the court may order the defendant released upon the execution of
18 an unsecured financial bond for all or part of the bail amount

____.B. NO. _____

1 by the defendant and any additional obligors as may be required
2 by the court, upon the deposit of cash or other security as
3 described in section 804-11.5 for any remaining bail amount not
4 covered by the unsecured financial bond, and subject to any
5 other conditions of release that will reasonably assure the
6 appearance of the defendant in court as required and protect the
7 public.

8 (b) In granting or denying a petition for unsecured bail,
9 the court may consider:

- 10 (1) The defendant's employment status and history;
- 11 (2) The nature and extent of the defendant's family
12 relationships;
- 13 (3) The defendant's past and present residences;
- 14 (4) The defendant's character and reputation;
- 15 (5) Any persons who agree to assist the defendant to
16 appear when required and satisfy conditions of
17 release;
- 18 (6) The defendant's ties to the community;
- 19 (7) The defendant's financial circumstances;
- 20 (8) The results of an empirical and validated pretrial
21 risk assessment;
- 22 (9) The offense charged and any potential sentence;

