
A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:
3 "(1) Notwithstanding section 706-669 and any other law to
4 the contrary, any person convicted of murder in the second
5 degree, any class A felony, any class B felony, or any of the
6 following class C felonies: section 188-23 relating to
7 possession or use of explosives, electrofishing devices, and
8 poisonous substances in state waters; section 707-703 relating
9 to negligent homicide in the second degree; section 707-711
10 relating to assault in the second degree; section 707-713
11 relating to reckless endangering in the first degree; section
12 707-716 relating to terroristic threatening in the first degree;
13 section 707-721 relating to unlawful imprisonment in the first
14 degree; section 707-732 relating to sexual assault or rape in
15 the third degree; section 707-752 relating to promoting child
16 abuse in the third degree; section 707-757 relating to
17 electronic enticement of a child in the second degree; section
18 707-766 relating to extortion in the second degree; section



1 708-811 relating to burglary in the second degree; section
2 708-812.6 relating to unauthorized entry in a dwelling; section
3 708-821 relating to criminal property damage in the second
4 degree; section 708-831 relating to theft in the first degree as
5 amended by Act 68, Session Laws of Hawaii 1981; section 708-831
6 relating to theft in the second degree; section 708-835.5
7 relating to theft of livestock; section 708-836 relating to
8 unauthorized control of propelled vehicle; section 708-836.5
9 relating to unauthorized entry into a motor vehicle in the first
10 degree; [+]section[+] 708-839.8 relating to identity theft in
11 the third degree; [+]section[+] 708-839.55 relating to
12 unauthorized possession of confidential personal information;
13 section 708-852 relating to forgery in the second degree;
14 section 708-854 relating to criminal possession of a forgery
15 device; section 708-875 relating to trademark counterfeiting;
16 section 708-8253 relating to arson in the third degree; section
17 709-906(8) relating to abuse of a family or household member;
18 section 710-1071 relating to intimidating a witness; section
19 711-1103 relating to riot; section 712-1203 relating to
20 promoting prostitution in the second degree; section 712-1221
21 relating to gambling in the first degree; section 712-1224
22 relating to possession of gambling records in the first degree;



1 section 712-1243 relating to promoting a dangerous drug in the
2 third degree; section 712-1247 relating to promoting a
3 detrimental drug in the first degree; section 134-7 relating to
4 ownership or possession of firearms or ammunition by persons
5 convicted of certain crimes; section 134-8 relating to
6 ownership, etc., of prohibited weapons; section 134-9 relating
7 to permits to carry, or who is convicted of attempting to commit
8 murder in the second degree, any class A felony, any class B
9 felony, or any of the class C felony offenses enumerated above
10 and who has a prior conviction or prior convictions for the
11 following felonies, including an attempt to commit the same:
12 murder, murder in the first or second degree, a class A felony,
13 a class B felony, any of the class C felony offenses enumerated
14 above, or any felony conviction of another jurisdiction shall be
15 sentenced to a mandatory minimum period of imprisonment without
16 possibility of parole during such period as follows:

- 17 (a) One prior felony conviction:
 - 18 (i) Where the instant conviction is for murder in the
 - 19 second degree or attempted murder in the second
 - 20 degree--ten years;
 - 21 (ii) Where the instant conviction is for a class A
 - 22 felony--six years, eight months;



- 1 (iii) Where the instant conviction is for a class B
- 2 felony--three years, four months;
- 3 (iv) Where the instant conviction is for a class C
- 4 felony offense enumerated above--one year, eight
- 5 months;
- 6 (b) Two prior felony convictions:
- 7 (i) Where the instant conviction is for murder in the
- 8 second degree or attempted murder in the second
- 9 degree--twenty years;
- 10 (ii) Where the instant conviction is for a class A
- 11 felony--thirteen years, four months;
- 12 (iii) Where the instant conviction is for a class B
- 13 felony--six years, eight months;
- 14 (iv) Where the instant conviction is for a class C
- 15 felony offense enumerated above--three years,
- 16 four months;
- 17 (c) Three or more prior felony convictions:
- 18 (i) Where the instant conviction is for murder in the
- 19 second degree or attempted murder in the second
- 20 degree--thirty years;
- 21 (ii) Where the instant conviction is for a class A
- 22 felony--twenty years;

1 (iii) Where the instant conviction is for a class B
2 felony--ten years;

3 (iv) Where the instant conviction is for a class C
4 felony offense enumerated above--five years."

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

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

11

INTRODUCED BY:

Calvin K. Boy

BY REQUEST

JAN 22 2007



Report Title:

Sentencing; Unauthorized Entry; Arson; Abuse; Repeat Offender

Description:

Expands the scope of the repeat offender law by requiring mandatory minimum sentences for certain additional repeat crimes.

