
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. The legislature finds that Hawaii law currently
2 fails to provide sanctions for assaults against pregnant women
3 that recognize the victim's pregnant status. An assault against
4 a pregnant woman may cause little physical harm to her but kill
5 or seriously injure the fetus. The sentence for assault against
6 a pregnant woman in such a case would be no greater than for an
7 assault against any other person, even if the fetus is injured
8 or dies.

9 The purpose of this Act is to provide penalties for assault
10 against pregnant women that are commensurate with the enhanced
11 risk of harm presented by such an assault.

12 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
13 amended by adding two new sections to be appropriately
14 designated and to read as follows:

15 "§707- Assault against a pregnant woman in the first
16 degree. (1) A person commits the offense of assault against a
17 pregnant woman in the first degree if the person:



- 1 (a) Knows the woman is pregnant; and
- 2 (b) Intentionally or knowingly engages in conduct that
- 3 causes the death of or serious or substantial bodily
- 4 injury to the fetus.

5 (2) Assault against a pregnant woman in the first degree
 6 is a class B felony provided that the court shall sentence the
 7 defendant to a maximum indeterminate term of imprisonment of ten
 8 years.

9 **§707- Assault against a pregnant woman in the second**

10 **degree.** (1) A person commits the offense of assault against a
 11 pregnant woman in the second degree if the person:

- 12 (a) Knows the woman is pregnant; and
- 13 (b) Engages in conduct in reckless disregard of the risk
- 14 that the conduct will cause the death of or serious or
- 15 substantial bodily injury to the fetus.

16 (2) Assault against a pregnant woman in the second degree
 17 is a class C felony."

18 SECTION 3. This Act does not affect rights and duties that
 19 matured, penalties that were incurred, and proceedings that were
 20 begun, before its effective date.

21 SECTION 4. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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Report Title:

Crimes; Assault Against a Pregnant Woman

Description:

Makes it a class B felony to assault a pregnant woman if the offender intended or knew the assault would cause death or serious or substantial bodily injury to the fetus. Requires imposition of the maximum indeterminate term of 10 years in prison on conviction. Makes it a class C felony to assault a pregnant woman if the offender acted in reckless disregard of the risk of causing death or serious or substantial bodily injury to the fetus.

