
A BILL FOR AN ACT

RELATING TO BURGLARY.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§708-A Burglary in the first degree. (1) A person
5 commits the offense of burglary in the first degree if the
6 person intentionally:

7 (a) Enters or remains unlawfully in a dwelling, with
8 intent to commit therein a crime against a person or
9 against property rights; and
10 (b) Is armed with a dangerous instrument in the course of
11 committing the offense.

12 (2) For purposes of this section:

13 (a) An act occurs "in the course of committing the
14 offense" if it occurs in effecting entry or while in
15 the building or in immediate flight therefrom; and

16 (b) "Dangerous instrument" means any firearm, regardless
17 of whether loaded and operable, or other weapon,
18 device, instrument, material, or substance, whether



1 animate or inanimate, that in the manner it is used or
2 threatened to be used is capable of producing death or
3 serious bodily injury.

4 (3) Burglary in the first degree is a class A felony."

5 SECTION 2. Section 708-810, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§708-810 Burglary in the ~~[first]~~ second degree.** (1) A
8 person commits the offense of burglary in the ~~[first]~~ second
9 degree if the person intentionally enters or remains unlawfully
10 in a building, with intent to commit therein a crime against a
11 person or against property rights, and:

12 (a) The person is armed with a dangerous instrument in the
13 course of committing the offense; or

14 (b) The person intentionally, knowingly, or recklessly
15 inflicts or attempts to inflict bodily injury on
16 anyone in the course of committing the offense[~~+~~~~or~~

17 ~~(c) The person recklessly disregards a risk that the~~
18 ~~building is the dwelling of another, and the building~~
19 ~~is such a dwelling].~~

20 (2) For purposes of this section:



1 [~~2~~] (a) An act occurs "in the course of committing the
2 offense" if it occurs in effecting entry or while in
3 the building or in immediate flight therefrom~~[-]~~; and
4 (b) "Dangerous instrument" has the same meaning as in
5 section 708-A.

6 (3) Burglary in the [~~first~~] second degree is a class B
7 felony."

8 SECTION 3. Section 708-811, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§708-811 Burglary in the [~~second~~] third degree.** (1) A
11 person commits the offense of burglary in the [~~second~~] third
12 degree if the person intentionally enters or remains unlawfully
13 in a building with intent to commit therein a crime against a
14 person or against property rights.

15 (2) Burglary in the [~~second~~] third degree is a class C
16 felony."

17 SECTION 4. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun, before its effective date.

20 SECTION 5. In codifying the new section added by section 1
21 of this Act, the revisor of statutes shall substitute the



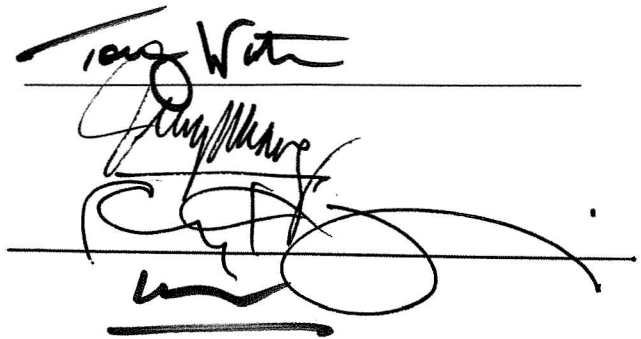
1 appropriate section number for the letter used in designating
2 the new section in this Act.

3 SECTION 6. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 7. This Act shall take effect upon its approval.

6

INTRODUCED BY:

The text 'INTRODUCED BY:' is followed by two horizontal lines. The first line has a handwritten signature above it. The second line has a large, complex handwritten signature above it, which appears to be a stylized 'C' or 'S' with a long horizontal stroke extending to the right.

A handwritten signature consisting of a stylized 'J' followed by a horizontal line.

JAN 18 2008



Report Title:

Burglary; Dangerous Instrument

Description:

Creates a new offense of burglary in the first degree involving a dangerous instrument. Defines "dangerous instrument".

