
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:

- 7 (a) Intentionally enters or remains unlawfully in a
8 dwelling, with intent to commit therein a crime
9 against a person or against property rights; and
10 (b) Is armed with a dangerous instrument in the course of
11 committing the offense. An act occurs "in the course
12 of committing the offense" if it occurs in effecting
13 entry or while in the building or in immediate flight
14 therefrom.

15 (2) Burglary in the first degree is a class A felony.

16 (3) For purposes of this section, "dangerous instrument"
17 means any weapon, device, instrument, material, or substance,
18 whether animate or inanimate, that in the manner it is used or



1 threatened to be used is capable of producing death or serious
2 bodily injury."

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

5 "**§708-810 Burglary in the [~~first~~ second degree.** (1) A
6 person commits the offense of burglary in the [~~first~~ second
7 degree if the person intentionally enters or remains unlawfully
8 in a building, with intent to commit therein a crime against a
9 person or against property rights, and:

10 (a) The person is armed with a dangerous instrument in the
11 course of committing the offense; [~~or~~]

12 (b) The person intentionally, knowingly, or recklessly
13 inflicts or attempts to inflict bodily injury on
14 anyone in the course of committing the offense[~~+~~]. An
15 act occurs "in the course of committing the offense"

16 if it occurs in effecting entry or while in the
17 building or in immediate flight therefrom; or

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



1 [~~(2)~~ An act occurs "in the course of committing the
2 offense" if it occurs in effecting entry or while in the
3 building or in immediate flight therefrom.

4 ~~(3)~~ (2) Burglary in the [~~first~~] second degree is a class
5 B felony.

6 (3) For purposes of this section, "dangerous instrument"
7 has the same meaning as in section 708-A."

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.



Report Title:

Burglary; Dangerous Instrument

Description:

Creates a new offense of burglaries that take place in a dwelling and involve a dangerous instrument. Defines "dangerous instrument". (HB2729 HD1)

