

JAN 19 2007

A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1 SECTION 1. Section 706-663, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-663 Sentence of imprisonment for misdemeanor and
4 petty misdemeanor. [~~After~~] (1) Except as provided in
5 subsection (2), after consideration of the factors set forth in
6 sections 706-606 and 706-621, the court may sentence a person
7 who has been convicted of a misdemeanor or a petty misdemeanor
8 to imprisonment for a definite term to be fixed by the court and
9 not to exceed one year in the case of a misdemeanor or thirty
10 days in the case of a petty misdemeanor.

11 (2) A person who commits a misdemeanor offense against the
12 person and who has been convicted three or more times of a
13 misdemeanor offense against the person within ten years
14 preceding the instant offense shall be guilty of a class C
15 felony and shall be sentenced as provided in section 706-660;
16 provided that whenever a court sentences a defendant under this
17 subsection for an offense under section 707-733, the court shall



1 order the defendant to participate in a sex offender assessment
2 and, if recommended based on the assessment, participate in the
3 sex offender treatment program established by chapter 353E;
4 provided further that section 706-606.5 to the contrary
5 notwithstanding, a person sentenced under this subsection shall
6 be sentenced to a mandatory minimum term of imprisonment without
7 the possibility of probation or parole of two years; provided
8 further that a person sentenced under this subsection shall
9 become subject to the parole procedure set forth in section 706-
10 670 only upon expiration of the mandatory minimum term imposed
11 under this subsection.

12 For purposes of this subsection:

13 (a) "Misdemeanor offense against the person" means a
14 misdemeanor offense under chapter 707 or physically
15 abusing a family or household member under section
16 709-906;

17 (b) "Convicted three or more times" means that:

18 (i) A judgment on a verdict or a finding of guilty or
19 on a plea of guilty or nolo contendere for a
20 misdemeanor offense against the person; or

21 (ii) An adjudication of a minor for a law or probation
22 violation that, if committed by an adult, would



Report Title:

Habitual Petty Offenders; Class C Felony

Description:

Makes 4th misdemeanor crime against a person within 10 years a class C felony with a mandatory minimum 2-year sentence.

