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## A BILL FOR AN ACT

RELATING TO REPEAT OFFENDERS.

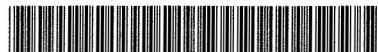
**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

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 of the following class A [~~felony,~~] felonies: section  
6 707-702 relating to manslaughter; section 707-720(2) relating to  
7 kidnapping; section 707-730 relating to sexual assault in the  
8 first degree; or section 708-8251 relating arson in the first  
9 degree; any of the following class B [~~felony,~~] felonies: section  
10 707-702.5 relating to negligent homicide in the first degree;  
11 section 707-710 relating to assault in the first degree; 707-  
12 712.7 relating to assault against an emergency worker; section  
13 707-720(3) relating to kidnapping; section 707-731 relating to  
14 sexual assault in the second degree; section 708-810 relating to  
15 burglary in the first degree; section 708-820 relating to  
16 criminal property damage in the first degree; 708-841 relating  
17 to robbery in the second degree; section 708-8252 relating to  
18 arson in the second degree; section 710-1031 relating to



1 intimidating a correctional worker; or section 710-1074 relating  
2 to intimidating a juror; or any of the following class C  
3 felonies: [section 188-23 relating to possession or use of  
4 explosives, electrofishing devices, and poisonous substances in  
5 state waters; section 386-98(d)(1) relating to fraud violations  
6 and penalties; section 431:10A-131(b)(2) relating to insurance  
7 fraud; section 431:10C-307.7(b)(2) relating to insurance fraud;  
8 section 432:1-106(b)(2) relating to insurance fraud; section  
9 432D-18.5(b)(2) relating to insurance fraud;] section 707-703  
10 relating to negligent homicide in the second degree; section  
11 707-711 relating to assault in the second degree; section 707-  
12 713 relating to reckless endangering in the first degree;  
13 section 707-716 relating to terroristic threatening in the first  
14 degree; section 707-721 relating to unlawful imprisonment in the  
15 first degree; section 707-732 relating to sexual assault or rape  
16 in the third degree; section 707-752 relating to promoting child  
17 abuse in the third degree [~~; section 707-757 relating to~~  
18 ~~electronic enticement of a child in the second degree; section~~  
19 ~~707-766 relating to extortion in the second degree; section 708-~~  
20 ~~811 relating to burglary in the second degree; section 708-821~~  
21 ~~relating to criminal property damage in the second degree;~~  
22 ~~section 708-831 relating to theft in the first degree as amended~~



1 ~~by Act 68, Session Laws of Hawaii 1981, section 708-831 relating~~  
2 ~~to theft in the second degree; section 708-835.5 relating to~~  
3 ~~theft of livestock; section 708-836 relating to unauthorized~~  
4 ~~control of propelled vehicle; section 708-839.8 relating to~~  
5 ~~identity theft in the third degree; section 708-839.55 relating~~  
6 ~~to unauthorized possession of confidential personal information;~~  
7 ~~section 708-852 relating to forgery in the second degree;~~  
8 ~~section 708-854 relating to criminal possession of a forgery~~  
9 ~~device; section 708-875 relating to trademark counterfeiting,];~~  
10 ~~section 710-1071 relating to intimidating a witness; or section~~  
11 ~~711-1103 relating to riot[, section 712-1203 relating to~~  
12 ~~promoting prostitution in the second degree; section 712-1221~~  
13 ~~relating to gambling in the first degree; section 712-1224~~  
14 ~~relating to possession of gambling records in the first degree;~~  
15 ~~section 712-1243 relating to promoting a dangerous drug in the~~  
16 ~~third degree; section 712-1247 relating to promoting a~~  
17 ~~detrimental drug in the first degree; section 846E-9 relating to~~  
18 ~~failure to comply with covered offender registration~~  
19 ~~requirements; section 134-7 relating to ownership or possession~~  
20 ~~of firearms or ammunition by persons convicted of certain~~  
21 ~~crimes; section 134-8 relating to ownership, etc., of prohibited~~  
22 ~~weapons; section 134-9 relating to permits to carry, or who is~~



1 ~~convicted of attempting to commit murder in the second degree,~~  
2 ~~any class A felony, any class B felony, or any of the class C~~  
3 ~~felony offenses enumerated above and who has a prior conviction~~  
4 ~~or prior convictions for the following felonies, including an~~  
5 ~~attempt to commit the same: murder, murder in the first or~~  
6 ~~second degree, a class A felony, a class B felony, any of the~~  
7 ~~class C felony offenses enumerated above, or any felony~~  
8 ~~conviction of another jurisdiction,], or who is convicted of~~  
9 attempting to commit any of the felony offenses enumerated  
10 above, and, who has a prior conviction from any of the  
11 enumerated felonies above, including the attempt to commit the  
12 same, shall be sentenced to a mandatory minimum period of  
13 imprisonment without possibility of parole during such period as  
14 follows:

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



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



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

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

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

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

9  
INTRODUCED BY: Calvin K. Ay

JAN 28 2009



**Report Title:**

Crimes; Repeat Offenders

**Description:**

Excludes non-violent offenders from repeat offenders statute requiring mandatory minimum prison terms.

