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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

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PART I

SECTION 1. Section 707-701.5, Hawaii Revised Statutes, is amended to read as follows:

"~~+~~§707-701.5~~+~~ **Murder in the second degree.** (1)

Except as provided in section 707-701, a person commits the offense of murder in the second degree if the person [intentionally]:

(a) Intentionally or knowingly causes the death of another person~~-~~; or

(b) With the intent to do serious bodily injury to any person, performs acts that cause the death of that person.

(2) Murder in the second degree is a felony for which the defendant shall be sentenced to imprisonment as provided in section 706-656."



## 1 PART II

2 SECTION 2. Section 707-700, Hawaii Revised Statutes, is  
3 amended by adding a new definition to be appropriately inserted  
4 and to read as follows:

5 "Simulated firearm" means any object that:

- 6 (1) Substantially resembles a firearm;  
7 (2) Can reasonably be perceived to be a firearm; or  
8 (3) Is used or brandished as a firearm."

9 SECTION 3. Section 707-716, Hawaii Revised Statutes, is  
10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of terroristic  
12 threatening in the first degree if the person commits  
13 terroristic threatening:

- 14 (a) By threatening another person on more than one  
15 occasion for the same or a similar purpose;  
16 (b) By threats made in a common scheme against different  
17 persons;  
18 (c) Against a public servant arising out of the  
19 performance of the public servant's official duties.  
20 For the purposes of this paragraph, "public servant"  
21 includes but is not limited to an educational worker.



1 "Educational worker" has the same meaning as defined  
2 in section 707-711;

3 (d) Against any emergency medical services personnel who  
4 is engaged in the performance of duty. For purposes  
5 of this paragraph, "emergency medical services  
6 personnel" shall have the same meaning as in section  
7 321-222; or

8 (e) With the use of a dangerous instrument or a simulated  
9 firearm."

10 SECTION 4. Section 708-800, Hawaii Revised Statutes, is  
11 amended by adding a new definition to be appropriately inserted  
12 and to read as follows:

13 "Simulated firearm" means any object that:

14 (1) Substantially resembles a firearm;

15 (2) Can reasonably be perceived to be a firearm; or

16 (3) Is used or brandished as a firearm."

17 SECTION 5. Section 708-840, Hawaii Revised Statutes, is  
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of robbery in the first  
20 degree if, in the course of committing theft or non-consensual  
21 taking of a motor vehicle:



- 1 (a) The person attempts to kill another or intentionally  
2 or knowingly inflicts or attempts to inflict serious  
3 bodily injury upon another;
- 4 (b) The person is armed with a dangerous instrument or a  
5 simulated firearm and:
- 6 (i) The person uses force against the person of  
7 anyone present with intent to overcome that  
8 person's physical resistance or physical power of  
9 resistance; or
- 10 (ii) The person threatens the imminent use of force  
11 against the person of anyone present with intent  
12 to compel acquiescence to the taking of or  
13 escaping with the property;
- 14 (c) The person uses force against the person of anyone  
15 present with the intent to overcome that person's  
16 physical resistance or physical power of resistance  
17 during the time of a civil defense emergency  
18 proclaimed by the governor pursuant to chapter 128,  
19 within the area covered by the civil defense emergency  
20 or during the period of disaster relief under chapter  
21 127; or



1 (d) The person threatens the imminent use of force against  
2 the person of anyone present with intent to compel  
3 acquiescence to the taking of or escaping with the  
4 property during the time of a civil defense emergency  
5 proclaimed by the governor pursuant to chapter 128,  
6 within the area covered by the civil defense emergency  
7 or during the period of disaster relief under chapter  
8 127."

9 PART III

10 SECTION 6. This Act does not affect rights and duties that  
11 matured, penalties that were incurred, and proceedings that were  
12 begun before its effective date.

13 SECTION 7. Statutory material to be repealed is bracketed  
14 and stricken. New statutory material is underscored.

15 SECTION 8. This Act shall take effect on December 21,  
16 2058.



**Report Title:**

Criminal Homicide; Simulated Firearm

**Description:**

Includes in the offense of murder in the second degree acts committed with the intent to cause serious bodily injury to another person, which result in the death of that person. Defines "simulated firearm" and makes the use of a simulated firearm during a robbery a robbery in the first degree and while committing an act of terroristic threatening a terroristic threatening in the first degree. Effective December 21, 2058. (HB1019 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

