
A BILL FOR AN ACT

RELATING TO TERMS OF IMPRISONMENT.

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

1 SECTION 1. Section 706-660.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-660.2 Sentence of imprisonment for offenses against
4 children, elder persons, pregnant women, or handicapped persons.

5 Notwithstanding section 706-669, a person who, in the course of
6 committing or attempting to commit a felony, causes the death or
7 inflicts serious or substantial bodily injury upon a person who
8 is:

9 (1) Sixty years of age or older;

10 (2) Blind, a paraplegic, or a quadriplegic; [~~or~~]

11 (3) Pregnant; or

12 [~~(3)~~] (4) Eight years of age or younger;

13 and such [~~disability~~] status is known or reasonably should be
14 known to the defendant, shall, if not subjected to an extended
15 term of imprisonment pursuant to section 706-662, be sentenced
16 to a mandatory minimum term of imprisonment without possibility
17 of parole as follows:

18 (1) For murder in the second degree--fifteen years;



- 1 (2) For a class A felony--six years, eight months;
- 2 (3) For a class B felony--three years, four months;
- 3 (4) For a class C felony--one year, eight months."

4 SECTION 2. Section 706-662, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§706-662 Criteria for extended terms of imprisonment.** A
7 defendant who has been convicted of a felony may be subject to
8 an extended term of imprisonment under section 706-661 if it is
9 proven beyond a reasonable doubt that an extended term of
10 imprisonment is necessary for the protection of the public and
11 that the convicted defendant satisfies one or more of the
12 following criteria:

- 13 (1) The defendant is a persistent offender in that the
14 defendant has previously been convicted of two or more
15 felonies committed at different times when the
16 defendant was eighteen years of age or older;
- 17 (2) The defendant is a professional criminal in that:
 - 18 (a) The circumstances of the crime show that the
19 defendant has knowingly engaged in criminal
20 activity as a major source of livelihood; or



- 1 (b) The defendant has substantial income or resources
2 not explained to be derived from a source other
3 than criminal activity;
- 4 (3) The defendant is a dangerous person in that the
5 defendant has been subjected to a psychiatric or
6 psychological evaluation that documents a significant
7 history of dangerousness to others resulting in
8 criminally violent conduct, and this history makes the
9 defendant a serious danger to others. Nothing in this
10 section precludes the introduction of victim-related
11 data to establish dangerousness in accord with the
12 Hawaii rules of evidence;
- 13 (4) The defendant is a multiple offender in that:
- 14 (a) The defendant is being sentenced for two or more
15 felonies or is already under sentence of
16 imprisonment for any felony; or
- 17 (b) The maximum terms of imprisonment authorized for
18 each of the defendant's crimes, if made to run
19 consecutively, would equal or exceed in length
20 the maximum of the extended term imposed or would
21 equal or exceed forty years if the extended term
22 imposed is for a class A felony;



- 1 (5) The defendant is an offender against [~~the~~] an
2 elderly[~~7~~] or handicapped[~~7~~] person, a pregnant woman,
3 or a minor eight years of age or younger in that:
4 (a) The defendant attempts or commits any of the
5 following crimes: murder, manslaughter, a sexual
6 offense that constitutes a felony under chapter
7 707, robbery, felonious assault, burglary, or
8 kidnapping; and
9 (b) The defendant, in the course of committing or
10 attempting to commit the crime, inflicts serious
11 or substantial bodily injury upon a person who
12 has the status of being:
13 (i) Sixty years of age or older;
14 (ii) Blind, a paraplegic, or a quadriplegic; [~~or~~]
15 (iii) Pregnant; or
16 [~~(iii)~~] (iv) Eight years of age or younger; and
17 the person's status is known or reasonably
18 should be known to the defendant; or
19 (6) The defendant is a hate crime offender in that:
20 (a) The defendant [~~is~~] has been convicted of a crime
21 under chapter 707, 708, or 711; and



1 (b) The defendant intentionally selected a victim or,
2 in the case of a property crime, the property
3 that was the object of a crime, because of
4 hostility toward the actual or perceived race,
5 religion, disability, ethnicity, national origin,
6 gender identity or expression, or sexual
7 orientation of any person. For purposes of this
8 subsection, "gender identity or expression"
9 includes a person's actual or perceived gender,
10 as well as a person's gender identity, gender-
11 related self-image, gender-related appearance, or
12 gender-related expression, regardless of whether
13 that gender identity, gender-related self-image,
14 gender-related appearance, or gender-related
15 expression is different from that traditionally
16 associated with the person's sex at birth."

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

22



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

2

INTRODUCED BY:

John M. ...
Tom Brown

JAN 26 2009



Report Title:

Sentences for Injuries to Pregnant Women

Description:

Adds the acts of inflicting serious or substantial bodily injury upon a person who is pregnant in the course of committing or attempting to commit a felony to those actions for which an extended term of imprisonment may be given. Mandates imprisonment for such actions if not subject to extended term.

