
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Section 286-124, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§286-124 Mandatory revocation of license by a court. (a)

4 Any court of competent jurisdiction shall forthwith revoke for
5 life the license of any driver upon a conviction of the driver
6 of manslaughter resulting from the operation of a motor vehicle.

7 (b) Any court of competent jurisdiction shall forthwith
8 revoke for a period of not less than five years but not more
9 than ten years the license of any driver upon a conviction of
10 the driver of negligent homicide in the first degree."

11 SECTION 2. Section 706-624, Hawaii Revised Statutes, is
12 amended by amending subsection (2) to read as follows:

13 "(2) Discretionary conditions. The court may provide, as
14 further conditions of a sentence of probation, to the extent
15 that the conditions are reasonably related to the factors set
16 forth in section 706-606 and to the extent that the conditions
17 involve only deprivations of liberty or property as are



1 reasonably necessary for the purposes indicated in section 706-
2 606(2), that the defendant:

- 3 (a) Serve a term of imprisonment not exceeding two years
4 in class A felony cases under part IV of chapter
5 712[7] or section 707-702, eighteen months in class B
6 felony cases, one year in class C felony cases, six
7 months in misdemeanor cases, and five days in petty
8 misdemeanor cases; provided that notwithstanding any
9 other provision of law, any order of imprisonment
10 under this subsection that provides for prison work
11 release shall require the defendant to pay thirty per
12 cent of the defendant's gross pay earned during the
13 prison work release period to satisfy any restitution
14 order. The payment shall be handled by the adult
15 probation division and shall be paid to the victim on
16 a monthly basis;
- 17 (b) Perform a specified number of hours of services to the
18 community as described in section 706-605(1)(d);
- 19 (c) Support the defendant's dependents and meet other
20 family responsibilities;
- 21 (d) Pay a fine imposed pursuant to section 706-605(1)(b);



- 1 (e) Work conscientiously at suitable employment or pursue
2 conscientiously a course of study or vocational
3 training that will equip the defendant for suitable
4 employment;
- 5 (f) Refrain from engaging in a specified occupation,
6 business, or profession bearing a reasonably direct
7 relationship to the conduct constituting the crime or
8 engage in the specified occupation, business, or
9 profession only to a stated degree or under stated
10 circumstances;
- 11 (g) Refrain from frequenting specified kinds of places or
12 from associating unnecessarily with specified persons,
13 including but not limited to the victim of the crime,
14 any witnesses, regardless of whether they actually
15 testified in the prosecution, law enforcement
16 officers, co-defendants, or other individuals with
17 whom contact may adversely affect the rehabilitation
18 or reformation of the person convicted;
- 19 (h) Refrain from use of alcohol or any use of narcotic
20 drugs or controlled substances without a prescription;
- 21 (i) Refrain from possessing a firearm, ammunition,
22 destructive device, or other dangerous weapon;



- 1 (j) Undergo available medical or mental health treatment,
2 including treatment for substance abuse dependency,
3 and remain in a specified facility if required for
4 that purpose;
- 5 (k) Reside in a specified place or area or refrain from
6 residing in a specified place or area;
- 7 (l) Submit to periodic urinalysis or other similar testing
8 procedure;
- 9 (m) Refrain from entering specified geographical areas
10 without the court's permission;
- 11 (n) Refrain from leaving the person's dwelling place
12 except to go to and from the person's place of
13 employment, the office of the person's physician or
14 dentist, the probation office, or any other location
15 as may be approved by the person's probation officer
16 pursuant to court order. As used in this paragraph,
17 "dwelling place" includes the person's yard or, in the
18 case of condominiums, the common elements;
- 19 (o) Comply with a specified curfew;
- 20 (p) Submit to monitoring by an electronic monitoring
21 device; or



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1 (q) Satisfy other reasonable conditions as the court may
2 impose."

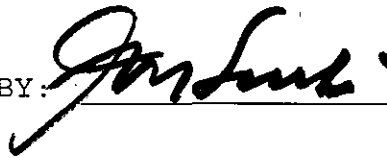
3 SECTION 3. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 4. New statutory material is underscored.

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

8

INTRODUCED BY:



JAN 21 2010



Report Title:

Judicial Sentencing; Penal Code; Manslaughter; Negligent Homicide

Description:

Amends drivers license revocation provision to require a lifetime revocation when a driver is convicted of manslaughter involving the operation of a vehicle. Requires license revocation of five to ten years when a driver is convicted for negligent homicide in the first degree. Allows for up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.

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

