
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 (c) Any court of competent jurisdiction shall forthwith
12 revoke for a period of not less than two years but not more than
13 five years the license of any driver upon a conviction of the
14 driver of negligent homicide in the second degree."

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

17 "(2) Discretionary conditions. The court may provide, as
18 further conditions of a sentence of probation, to the extent



1 that the conditions are reasonably related to the factors set
2 forth in section 706-606 and to the extent that the conditions
3 involve only deprivations of liberty or property as are
4 reasonably necessary for the purposes indicated in section 706-
5 606(2), that the defendant:

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



- 1 (c) Support the defendant's dependents and meet other
2 family responsibilities;
- 3 (d) Pay a fine imposed pursuant to section 706-605(1)(b);
- 4 (e) Work conscientiously at suitable employment or pursue
5 conscientiously a course of study or vocational
6 training that will equip the defendant for suitable
7 employment;
- 8 (f) Refrain from engaging in a specified occupation,
9 business, or profession bearing a reasonably direct
10 relationship to the conduct constituting the crime or
11 engage in the specified occupation, business, or
12 profession only to a stated degree or under stated
13 circumstances;
- 14 (g) Refrain from frequenting specified kinds of places or
15 from associating unnecessarily with specified persons,
16 including ~~[but not limited to]~~ the victim of the
17 crime, any witnesses, regardless of whether they
18 actually testified in the prosecution, law enforcement
19 officers, co-defendants, or other individuals with
20 whom contact may adversely affect the rehabilitation
21 or reformation of the person convicted;



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



- 1 (o) Comply with a specified curfew;
- 2 (p) Submit to monitoring by an electronic monitoring
- 3 device; or
- 4 (q) Satisfy other reasonable conditions as the court may
- 5 impose."

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

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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



Report Title:

Judicial Sentencing; Penal Code; Manslaughter; Negligent Homicide

Description:

Amends the driver's license revocation provision to require a lifetime revocation for manslaughter involving the operation of a vehicle, five to ten years for negligent homicide in the first degree, and two to five years for negligent homicide in the second degree. Allows for up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter. (HB2296 HD1)

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