

JAN 27 2010

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
5 permanently and without possibility of reinstatement, the
6 license, of any driver upon a conviction of the driver of
7 manslaughter resulting from the operation of a motor vehicle.

8 (b) Any court of competent jurisdiction shall forthwith
9 revoke the license of any driver for a period not less than five
10 years but not more than ten years upon conviction of the driver
11 of negligent homicide in the first degree under section 707-
12 702.5, in addition to any other applicable penalty."

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

15 "(2) Discretionary conditions. The court may provide, as
16 further conditions of a sentence of probation, to the extent
17 that the conditions are reasonably related to the factors set



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

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

19 (b) Perform a specified number of hours of services to the
20 community as described in section 706-605(1)(d);

21 (c) Support the defendant's dependents and meet other
22 family responsibilities;



- 1 (d) Pay a fine imposed pursuant to section 706-605(1)(b);
- 2 (e) Work conscientiously at suitable employment or pursue
- 3 conscientiously a course of study or vocational
- 4 training that will equip the defendant for suitable
- 5 employment;
- 6 (f) Refrain from engaging in a specified occupation,
- 7 business, or profession bearing a reasonably direct
- 8 relationship to the conduct constituting the crime or
- 9 engage in the specified occupation, business, or
- 10 profession only to a stated degree or under stated
- 11 circumstances;
- 12 (g) Refrain from frequenting specified kinds of places or
- 13 from associating unnecessarily with specified persons,
- 14 including but not limited to the victim of the crime,
- 15 any witnesses, regardless of whether they actually
- 16 testified in the prosecution, law enforcement
- 17 officers, co-defendants, or other individuals with
- 18 whom contact may adversely affect the rehabilitation
- 19 or reformation of the person convicted;
- 20 (h) Refrain from use of alcohol or any use of narcotic
- 21 drugs or controlled substances without a prescription;



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



1 (p) Submit to monitoring by an electronic monitoring
2 device; or

3 (q) Satisfy other reasonable conditions as the court may
4 impose."

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

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

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

11

INTRODUCED BY: _____



Report Title:

Revocation of Driver License; Negligent Homicide; Manslaughter

Description:

Requires revocation of driver license for life for conviction of manslaughter resulting from operation of motor vehicle; requires revocation of driver license for five to ten years for conviction of negligent homicide in first degree; allows two years imprisonment as a condition of probation for conviction of manslaughter.

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

