

JAN 23 2009

A BILL FOR AN ACT

RELATING TO MURDER.

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

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

3 " ~~[+] §707-701.5 [+~~ Murder in the second degree. (1)

4 Except as provided in section 707-701, a person commits the
5 offense of murder in the second degree if the person

6 ~~[intentionally]~~:

7 (a) Intentionally or knowingly causes the death of another
8 person~~[-]~~; or

9 (b) Acting either alone or with one or more persons,
10 commits or attempts to commit any of the following
11 crimes and, in the course of and in furtherance of the
12 crime that the person is committing or attempting to
13 commit or during the immediate flight therefrom, the
14 person, or another participant if there be any, causes
15 the death of a person other than one of the
16 participants:

17 (i) Kidnapping, as defined in section 707-720;



- 1 (ii) Sexual assault in the first degree, as defined in
- 2 section 707-730;
- 3 (iii) Criminal property damage in the first degree, as
- 4 defined in section 708-820;
- 5 (iv) Robbery in the first degree, as defined in
- 6 section 708-840; or
- 7 (v) Escape in the first degree, as defined in section
- 8 710-1020.

9 (2) If the defendant was not the only participant in the
10 underlying crime, it is an affirmative defense to a charge of
11 violating subsection (1)(b) that the defendant:

- 12 (a) Did not commit the homicidal act or in any way
- 13 solicit, request, command, cause, or aid in the
- 14 commission thereof;
- 15 (b) Was not armed with a dangerous or deadly weapon;
- 16 (c) Had no reasonable ground to believe that any other
- 17 participant was armed with a dangerous or deadly
- 18 weapon; and
- 19 (d) Had no reasonable ground to believe that any other
- 20 participant intended to engage in conduct that would
- 21 create a substantial risk of death.



1 [~~(2)~~] (3) Murder in the second degree is a felony for
2 which the defendant shall be sentenced to imprisonment as
3 provided in section 706-656."

4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

10

INTRODUCED BY:



Report Title:

Crimes; Felony Murder

Description:

Amends the offense of murder in the second degree by including deaths caused by the defendant in the course of, in furtherance of, or in flight from the commission or attempt to commit certain specified felonies.

