
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; provided that this section shall not apply
12 to legal abortions performed by healthcare workers and
13 social and healthcare workers who administer emergency
14 contraceptive pills; and abortions performed by
15 pregnant women on themselves; or

16 [~~+~~3] (4) Eight years of age or younger;

17 and such [~~disability~~] status is known or reasonably should be
18 known to the defendant, shall, if not subjected to an extended



1 term of imprisonment pursuant to section 706-662, be sentenced
2 to a mandatory minimum term of imprisonment without possibility
3 of parole as follows:

- 4 (1) For murder in the second degree--fifteen years;
- 5 (2) For a class A felony--six years, eight months;
- 6 (3) For a class B felony--three years, four months; and
- 7 (4) For a class C felony--one year, eight months."

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

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

- 17 (1) The defendant is a persistent offender in that the
18 defendant has previously been convicted of two or more
19 felonies committed at different times when the
20 defendant was eighteen years of age or older;
- 21 (2) The defendant is a professional criminal in that:



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



1 the maximum of the extended term imposed or would
2 equal or exceed forty years if the extended term
3 imposed is for a class A felony;

4 (5) The defendant is an offender against [~~the~~] an
5 elderly[~~r~~] or handicapped[~~r~~] person, a pregnant woman,
6 or a minor eight years of age or younger in that:

7 (a) The defendant attempts or commits any of the
8 following crimes: murder, manslaughter, a sexual
9 offense that constitutes a felony under chapter
10 707, robbery, felonious assault, burglary, or
11 kidnapping; and

12 (b) The defendant, in the course of committing or
13 attempting to commit the crime, inflicts serious
14 or substantial bodily injury upon a person who
15 has the status of being:

16 (i) Sixty years of age or older;

17 (ii) Blind, a paraplegic, or a quadriplegic; [~~e~~]

18 (iii) Pregnant; provided that this section shall
19 not apply to legal abortions performed by
20 healthcare workers and social and healthcare
21 workers who administer emergency



1 contraceptive pills; and abortions performed
2 by pregnant women on themselves; or

3 ~~(iii)~~ (iv) Eight years of age or younger; and
4 the person's status is known or reasonably
5 should be known to the defendant; or

6 (6) The defendant is a hate crime offender in that:

7 (a) The defendant [~~is~~] has been convicted of a crime
8 under chapter 707, 708, or 711; and

9 (b) The defendant intentionally selected a victim or,
10 in the case of a property crime, the property
11 that was the object of a crime, because of
12 hostility toward the actual or perceived race,
13 religion, disability, ethnicity, national origin,
14 gender identity or expression, or sexual
15 orientation of any person. For purposes of this
16 subsection, "gender identity or expression"
17 includes a person's actual or perceived gender,
18 as well as a person's gender identity, gender-
19 related self-image, gender-related appearance, or
20 gender-related expression, regardless of whether
21 that gender identity, gender-related self-image,
22 gender-related appearance, or gender-related



1 expression is different from that traditionally
2 associated with the person's sex at birth."

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

8 SECTION 5. This Act shall take effect on July 1, 2050.



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. Effective July 1, 2050. (HB1121 HD1)

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

