
A BILL FOR AN ACT

RELATING TO REPEAT OFFENDERS.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:
3 "(1) Notwithstanding section 706-669 and any other law to
4 the contrary, any person convicted of murder in the second
5 degree, any of the following class A [~~felony~~] felonies:
6 section 707-702 relating to manslaughter; section 707-720(2)
7 relating to kidnapping; section 707-730 relating to sexual
8 assault in the first degree; or section 708-8251 relating to
9 arson in the first degree; any of the following class B
10 [~~felony~~] felonies: section 707-702.5 relating to negligent
11 homicide in the first degree; section 707-710 relating to
12 assault in the first degree; 707-712.7 relating to assault
13 against an emergency worker; section 707-720(3) relating to
14 kidnapping; section 707-731 relating to sexual assault in the
15 second degree; section 708-810 relating to burglary in the first
16 degree; section 708-820 relating to criminal property damage in
17 the first degree; 708-841 relating to robbery in the second
18 degree; section 708-8252 relating to arson in the second degree;



1 section 710-1031 relating to intimidating a correctional worker;
2 or section 710-1074 relating to intimidating a juror; or any of
3 the following class C felonies: [~~section 188-23 relating to~~
4 ~~possession or use of explosives, electrofishing devices, and~~
5 ~~poisonous substances in state waters; section 386-98(d)(1)~~
6 ~~relating to fraud violations and penalties; section 431:2-~~
7 ~~403(b)(2) relating to insurance fraud;~~] section 707-703 relating
8 to negligent homicide in the second degree; section 707-711
9 relating to assault in the second degree; section 707-713
10 relating to reckless endangering in the first degree; section
11 707-716 relating to terroristic threatening in the first degree;
12 section 707-721 relating to unlawful imprisonment in the first
13 degree; section 707-732 relating to sexual assault or rape in
14 the third degree; section 707-752 relating to promoting child
15 abuse in the third degree; [~~section 707-757 relating to~~
16 ~~electronic enticement of a child in the second degree; section~~
17 ~~707-766 relating to extortion in the second degree; section 708-~~
18 ~~811 relating to burglary in the second degree; section 708-821~~
19 ~~relating to criminal property damage in the second degree;~~
20 ~~section 708-831 relating to theft in the first degree as amended~~
21 ~~by Act 68, Session Laws of Hawaii 1981; section 708-831 relating~~
22 ~~to theft in the second degree; section 708-835.5 relating to~~



1 ~~theft of livestock; section 708-836 relating to unauthorized~~
2 ~~control of propelled vehicle; section 708-839.8 relating to~~
3 ~~identity theft in the third degree; section 708-839.55 relating~~
4 ~~to unauthorized possession of confidential personal information;~~
5 ~~section 708-852 relating to forgery in the second degree;~~
6 ~~section 708-854 relating to criminal possession of a forgery~~
7 ~~device; section 708-875 relating to trademark counterfeiting;]~~
8 ~~section 710-1071 relating to intimidating a witness; or section~~
9 ~~711-1103 relating to riot; [section 712-1203 relating to~~
10 ~~promoting prostitution in the second degree; section 712-1221~~
11 ~~relating to gambling in the first degree; section 712-1224~~
12 ~~relating to possession of gambling records in the first degree;~~
13 ~~section 712-1243 relating to promoting a dangerous drug in the~~
14 ~~third degree; section 712-1247 relating to promoting a~~
15 ~~detrimental drug in the first degree; section 846E-9 relating to~~
16 ~~failure to comply with covered offender registration~~
17 ~~requirements; section 134-7 relating to ownership or possession~~
18 ~~of firearms or ammunition by persons convicted of certain~~
19 ~~crimes; section 134-8 relating to ownership, etc., of prohibited~~
20 ~~weapons; section 134-9 relating to permits to carry, or who is~~
21 ~~convicted of attempting to commit murder in the second degree,~~
22 ~~any class A felony, any class B felony, or any of the class C~~



1 ~~felony offenses enumerated above and who has a prior conviction~~
2 ~~or prior convictions for the following felonies, including an~~
3 ~~attempt to commit the same: murder, murder in the first or~~
4 ~~second degree, a class A felony, a class B felony, any of the~~
5 ~~class C felony offenses enumerated above, or any felony~~
6 ~~conviction of another jurisdiction,] or who is convicted of~~
7 ~~attempting to commit any of the felony offenses enumerated above~~
8 ~~and who has a prior conviction from any of the enumerated~~
9 ~~felonies above, including the attempt to commit the same, shall~~
10 be sentenced to a mandatory minimum period of imprisonment
11 without possibility of parole during such period as follows:

12 (a) One prior felony conviction:

13 (i) Where the instant conviction is for murder in the
14 second degree or attempted murder in the second
15 degree--ten years;

16 (ii) Where the instant conviction is for a class A
17 felony--six years, eight months;

18 (iii) Where the instant conviction is for a class B
19 felony--three years, four months; and

20 (iv) Where the instant conviction is for a class C
21 felony offense enumerated above--one year, eight
22 months;



- 1 (b) Two prior felony convictions:
 - 2 (i) Where the instant conviction is for murder in the
 - 3 second degree or attempted murder in the second
 - 4 degree--twenty years;
 - 5 (ii) Where the instant conviction is for a class A
 - 6 felony--thirteen years, four months;
 - 7 (iii) Where the instant conviction is for a class B
 - 8 felony--six years, eight months; and
 - 9 (iv) Where the instant conviction is for a class C
 - 10 felony offense enumerated above--three years,
 - 11 four months;
- 12 (c) Three or more prior felony convictions:
 - 13 (i) Where the instant conviction is for murder in the
 - 14 second degree or attempted murder in the second
 - 15 degree--thirty years;
 - 16 (ii) Where the instant conviction is for a class A
 - 17 felony--twenty years;
 - 18 (iii) Where the instant conviction is for a class B
 - 19 felony--ten years; and
 - 20 (iv) Where the instant conviction is for a class C
 - 21 felony offense enumerated above--five years."



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

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

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

7

INTRODUCED BY:



JAN 25 2011



Report Title:

Crimes; Repeat Offenders

Description:

Excludes non-violent offenders from repeat offenders statute requiring mandatory minimum prison terms.

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

