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# A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

1           SECTION 1. The legislature finds that, under Act 193,  
2 Session Laws of Hawaii 2008, the office of offender management  
3 of the department of public safety has been recalculating the  
4 expiration date of all Hawaii inmates serving multiple terms of  
5 imprisonment. The recalculation has drastically increased the  
6 cost of incarceration because, in many cases, the recalculation  
7 has increased extended expiration dates by several years,  
8 without accounting for the rehabilitation of the individual.

9           This action has and will cost the State's taxpayers  
10 hundreds of thousands of dollars. It has also increased costs  
11 for the office of the public defender, which handles the claims  
12 of incarcerated individuals on a case-by-case basis.

13           The purpose of this Act is to allow for retroactive  
14 application of the requirement that multiple terms of  
15 imprisonment imposed run concurrently, unless otherwise directed  
16 by law or court order.

17           SECTION 2. Section 706-668.5, Hawaii Revised Statutes, is  
18 amended to read as follows:



1           **"§706-668.5 Multiple sentence of imprisonment.** (1) If  
2 multiple terms of imprisonment are imposed on a defendant,  
3 whether at the same time or at different times, or if a term of  
4 imprisonment is imposed on a defendant who is already subject to  
5 an unexpired term of imprisonment, the terms may run  
6 concurrently or consecutively. Multiple terms of imprisonment  
7 run concurrently unless the court orders or the statute mandates  
8 that the terms run consecutively.

9           (2) The court, in determining whether the terms imposed  
10 are to be ordered to run concurrently or consecutively, shall  
11 consider the factors set forth in section 706-606.

12           (3) Any resentencing pursuant to this section shall not  
13 impose any liability upon the State for sentencing errors."

14           SECTION 3. Act 193, Session Laws of Hawaii 2008, is  
15 amended by amending section 3 to read as follows:

16           "SECTION 3. This Act shall apply to all terms of  
17 imprisonment imposed [~~en-er-after~~] before, on, or after the  
18 effective date of this Act."

19           SECTION 4. Statutory material to be repealed is bracketed  
20 and stricken. New statutory material is underscored.

21           SECTION 5. This Act shall take effect on January 7, 2059.



**Report Title:**

Hawaii Penal Code; Concurrent Imprisonment Terms

**Description:**

Authorizes retroactive application of the requirement that multiple terms of imprisonment run concurrently unless directed to run consecutively by law or court order. Effective January 7, 2059. (HB141 HD1)

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

