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## A BILL FOR AN ACT

RELATING TO SENTENCING.

**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, or handicapped persons. (1)

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)]~~ (a) Sixty years of age or older;

10          ~~[(2)]~~ (b) Blind, a paraplegic, or a quadriplegic; or

11          ~~[(3)]~~ (c) Eight years of age or younger;

12 and ~~[such]~~ the disability is known or reasonably should be known  
13 to the defendant, shall, if not subjected to an extended term of  
14 imprisonment pursuant to section 706-662, be sentenced to a  
15 mandatory minimum term of imprisonment without possibility of  
16 parole as follows:

17          ~~[(1)]~~ (a) For murder in the second degree--fifteen years;

18          ~~[(2)]~~ (b) For a class A felony--six years, eight months;



1        [~~3~~] (c) For a class B felony--three years, four months;

2        [~~4~~] (d) For a class C felony--one year, eight months.

3        (2) Notwithstanding section 706-669, a person who commits

4 or attempts to commit any of the following offenses: section

5 708-830.5 relating to theft in the first degree; 708-831

6 relating to theft in the second degree; 708-839.6 relating to

7 identity theft in the first degree; 708-839.7 relating to

8 identity theft in the second degree; or 708-839.8 relating to

9 identity theft in the third degree,, upon a person who the

10 defendant knows or reasonably should know is sixty years of age

11 or older, if not subjected to an extended term of imprisonment

12 pursuant to section 706-662, shall be sentenced to a mandatory

13 minimum term of imprisonment without possibility of parole as

14 follows:

15        (a) For a class A felony--six years, eight months;

16        (b) For a class B felony--three years, four months;

17        (c) For a class C felony--one year, eight months."

18        SECTION 2. This Act does not affect rights and duties that

19 matured, penalties that were incurred, and proceedings that were

20 begun before its effective date.

21        SECTION 3. Statutory material to be repealed is bracketed

22 and stricken. New statutory material is underscored.



# H.B. NO. 248

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

2

INTRODUCED BY:

Calvin H. Boy  
By Request

JAN 21 2011



**Report Title:**

Crimes Against Elders; Sentencing

**Description:**

Establishes mandatory minimum terms for certain offenses committed against persons 60 years of age or older.

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

