
A BILL FOR AN ACT

RELATING TO BURGLARY.

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

1 SECTION 1. The purpose of this Act is to hold perpetrators
2 strictly liable for burglary of a dwelling if the resident or
3 resident's guest is present during the burglary, and to mandate
4 a sentence of ten years imprisonment upon conviction.

5 SECTION 2. Section 708-810, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§708-810 Burglary in the first degree.** (1) A person
8 commits the offense of burglary in the first degree if the
9 person intentionally enters or remains unlawfully in a building,
10 with intent to commit therein a crime against a person or
11 against property rights, and:

12 (a) The person is armed with a dangerous instrument in the
13 course of committing the offense; [~~or~~]

14 (b) The person intentionally, knowingly, or recklessly
15 inflicts or attempts to inflict bodily injury on
16 anyone in the course of committing the offense; [~~or~~]



1 (c) The person recklessly disregards a risk that the
2 building is the dwelling of another, and the building
3 is such a dwelling[-]; or

4 (d) The building is the dwelling of another person and
5 that person, or a guest of that person, is present in
6 the dwelling at the time of the burglary; provided
7 that proof that the person knew that the other person
8 or guest was present shall not be required in any
9 prosecution for an offense under this paragraph.

10 (2) An act occurs "in the course of committing the
11 offense" if it occurs in effecting entry or while in the
12 building or in immediate flight therefrom.

13 (3) Burglary in the first degree is a class B felony[-];
14 provided that a defendant convicted under paragraph (1)(d) shall
15 be sentenced to a mandatory term of imprisonment of ten years
16 without the possibility of parole."

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

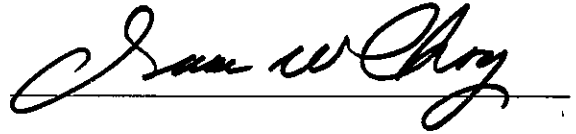
20 SECTION 4. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:



JAN 19 2011



Report Title:

Burglary of a Dwelling; Liability; Sentencing

Description:

Requires strict liability for burglary of a dwelling if the resident or resident's guest is present during the burglary. Mandates a sentence of 10 years imprisonment upon conviction.

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

