
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, any class B~~
6 ~~felony,~~] felonies: section 707-702 relating to manslaughter;
7 section 707-720(2) relating to kidnapping; section 707-730
8 relating to sexual assault in the first degree; section 707-
9 733.6 relating to continuous sexual assault of a minor under the
10 age of fourteen years; section 707-750 relating to promoting
11 child abuse in the first degree; section 708-839.6 relating to
12 identity theft in the first degree; section 708-840 relating to
13 robbery in the first degree; or section 708-8251 relating arson
14 in the first degree; any of the following class B felonies:
15 section 707-702.5 relating to negligent homicide in the first
16 degree; section 707-710 relating to assault in the first degree;
17 section 707-712.7 relating to assault against an emergency
18 worker; section 707-720(3) relating to kidnapping; section 707-



1 731 relating to sexual assault in the second degree; section
2 707-751 relating to promoting child abuse in the second degree;
3 section 707-756 relating to electronic enticement of a child in
4 the first degree; section 707-765 relating to extortion in the
5 first degree; section 708-810 relating to burglary in the first
6 degree; section 708-820 relating to criminal property damage in
7 the first degree; section 708-830.5 relating to theft in the
8 first degree; section 708-839.7 relating to identity theft in
9 the second degree; section 708-841 relating to robbery in the
10 second degree; section 708-851 relating to forgery in the first
11 degree; section 708-891 relating to computer fraud in the first
12 degree; section 708-892 relating to computer damage in the first
13 degree; section 708-895.5 relating to unauthorized computer
14 access in the first degree; section 708-8252 relating to arson
15 in the second degree; section 708A-3(5)(b) relating to money
16 laundering; section 710-1031 relating to intimidating a
17 correctional worker; section 710-1040 relating to bribery;
18 section 710-1074 relating to intimidating a juror; or section
19 712-1202 relating to promoting prostitution in the first degree;
20 or any of the following class C felonies: [~~section 188-23~~
21 ~~relating to possession or use of explosives, electrofishing~~
22 ~~devices, and poisonous substances in state waters; section 386-~~



1 ~~98(d)(1) relating to fraud violations and penalties; section~~
2 ~~431:2 403(b)(2) relating to insurance fraud;]~~ section 707-703
3 relating to negligent homicide in the second degree; section
4 707-711 relating to assault in the second degree; section 707-
5 713 relating to reckless endangering in the first degree;
6 section 707-716 relating to terroristic threatening in the first
7 degree; section 707-721 relating to unlawful imprisonment in the
8 first degree; section 707-732 relating to sexual assault [~~er~~
9 ~~rape~~] in the third degree; section 707-752 relating to promoting
10 child abuse in the third degree; section 707-757 relating to
11 electronic enticement of a child in the second degree; [~~section~~
12 ~~707-766 relating to extortion in the second degree;]~~ section
13 708-811 relating to burglary in the second degree; section 708-
14 821 relating to criminal property damage in the second degree;
15 [~~section 708-831 relating to theft in the first degree as~~
16 ~~amended by Act 68, Session Laws of Hawaii 1981; section 708-831~~
17 ~~relating to theft in the second degree; section 708-835.5~~
18 ~~relating to theft of livestock; section 708-836 relating to~~
19 ~~unauthorized control of propelled vehicle;]~~ section 708-839.8
20 relating to identity theft in the third degree; [~~section 708-~~
21 ~~839.55 relating to unauthorized possession of confidential~~
22 ~~personal information; section 708-852 relating to forgery in the~~



1 ~~second degree; section 708-854 relating to criminal possession~~
2 ~~of a forgery device;] section 708-875 relating to trademark~~
3 ~~counterfeiting; section 708-893 relating to use of a computer in~~
4 ~~the commission of a separate crime; section 710-1071 relating to~~
5 ~~intimidating a witness; section 711-1103 relating to riot;~~
6 ~~section 712-1203 relating to promoting prostitution in the~~
7 ~~second degree; section 712-1221 relating to gambling in the~~
8 ~~first degree; [section 712-1224 relating to possession of~~
9 ~~gambling records in the first degree; section 712-1243 relating~~
10 ~~to promoting a dangerous drug in the third degree; section 712-~~
11 ~~1247 relating to promoting a detrimental drug in the first~~
12 ~~degree; section 846E-9 relating to failure to comply with~~
13 ~~covered offender registration requirements; section 134-7~~
14 ~~relating to ownership or possession of firearms or ammunition by~~
15 ~~persons convicted of certain crimes; section 134-8 relating to~~
16 ~~ownership, etc., of prohibited weapons; section 134-9 relating~~
17 ~~to permits to carry, or who is convicted of attempting to commit~~
18 ~~murder in the second degree, any class A felony, any class B~~
19 ~~felony, or any of the class C felony offenses enumerated above~~
20 ~~and who has a prior conviction or prior convictions for the~~
21 ~~following felonies, including an attempt to commit the same:~~
22 ~~murder, murder in the first or second degree, a class A felony,~~



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

9 (a) One prior felony conviction:

10 (i) Where the instant conviction is for murder in the
11 second degree or attempted murder in the second
12 degree--ten years;

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

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

17 (iv) Where the instant conviction is for a class C
18 felony offense enumerated above--one year, eight
19 months;

20 (b) Two prior felony convictions:



- 1 (i) Where the instant conviction is for murder in the
- 2 second degree or attempted murder in the second
- 3 degree--twenty years;
- 4 (ii) Where the instant conviction is for a class A
- 5 felony--thirteen years, four months;
- 6 (iii) Where the instant conviction is for a class B
- 7 felony--six years, eight months; and
- 8 (iv) Where the instant conviction is for a class C
- 9 felony offense enumerated above--three years,
- 10 four months;
- 11 (c) Three or more prior felony convictions:
- 12 (i) Where the instant conviction is for murder in the
- 13 second degree or attempted murder in the second
- 14 degree--thirty years;
- 15 (ii) Where the instant conviction is for a class A
- 16 felony--twenty years;
- 17 (iii) Where the instant conviction is for a class B
- 18 felony--ten years; and
- 19 (iv) Where the instant conviction is for a class C
- 20 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 on January 7, 2059.



Report Title:

Crimes; Repeat Offenders

Description:

Specifying class A and B felonies that require mandatory minimum prison terms under the repeat offender statute. Reinstating, adding, and deleting certain class C felonies that require the mandatory minimum prison terms under the repeat offender statute. Effective January 7, 2059. (HB1155 HD1)

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

