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## A BILL FOR AN ACT

RELATING TO CRIME.

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

1           SECTION 1. Section 286-124, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§286-124 Mandatory revocation of license by a court.** (a)

4 Any court of competent jurisdiction shall forthwith revoke for  
5 life the license of any driver upon a conviction of the driver  
6 of manslaughter resulting from the operation of a motor vehicle.

7           (b) Any court of competent jurisdiction shall forthwith  
8 revoke for a period of not less than five years but not more  
9 than ten years the license of any driver upon a conviction of  
10 the driver of negligent homicide in the first degree.

11           (c) Any court of competent jurisdiction shall forthwith  
12 revoke for a period of not less than two years but not more than  
13 five years the license of any driver upon a conviction of the  
14 driver of negligent homicide in the second degree."

15           SECTION 2. Section 706-624, Hawaii Revised Statutes, is  
16 amended by amending subsection (2) to read as follows:

17           "(2) Discretionary conditions. The court may provide, as  
18 further conditions of a sentence of probation, to the extent



1 that the conditions are reasonably related to the factors set  
2 forth in section 706-606 and to the extent that the conditions  
3 involve only deprivations of liberty or property as are  
4 reasonably necessary for the purposes indicated in section 706-  
5 606(2), that the defendant:

- 6 (a) Serve a term of imprisonment not exceeding two years  
7 in class A felony cases under part IV of chapter  
8 712[7] or section 707-702, eighteen months in class B  
9 felony cases, one year in class C felony cases, six  
10 months in misdemeanor cases, and five days in petty  
11 misdemeanor cases; provided that notwithstanding any  
12 other provision of law, any order of imprisonment  
13 under this subsection that provides for prison work  
14 release shall require the defendant to pay thirty per  
15 cent of the defendant's gross pay earned during the  
16 prison work release period to satisfy any restitution  
17 order. The payment shall be handled by the adult  
18 probation division and shall be paid to the victim on  
19 a monthly basis;
- 20 (b) Perform a specified number of hours of services to the  
21 community as described in section 706-605(1)(d);



- 1 (c) Support the defendant's dependents and meet other  
2 family responsibilities;
- 3 (d) Pay a fine imposed pursuant to section 706-605(1)(b);
- 4 (e) Work conscientiously at suitable employment or pursue  
5 conscientiously a course of study or vocational  
6 training that will equip the defendant for suitable  
7 employment;
- 8 (f) Refrain from engaging in a specified occupation,  
9 business, or profession bearing a reasonably direct  
10 relationship to the conduct constituting the crime or  
11 engage in the specified occupation, business, or  
12 profession only to a stated degree or under stated  
13 circumstances;
- 14 (g) Refrain from frequenting specified kinds of places or  
15 from associating unnecessarily with specified persons,  
16 including [~~but not limited to~~] the victim of the  
17 crime, any witnesses, regardless of whether they  
18 actually testified in the prosecution, law enforcement  
19 officers, co-defendants, or other individuals with  
20 whom contact may adversely affect the rehabilitation  
21 or reformation of the person convicted;



- 1 (h) Refrain from use of alcohol or any use of narcotic  
2 drugs or controlled substances without a prescription;
- 3 (i) Refrain from possessing a firearm, ammunition,  
4 destructive device, or other dangerous weapon;
- 5 (j) Undergo available medical or mental health treatment,  
6 including treatment for substance abuse dependency,  
7 and remain in a specified facility if required for  
8 that purpose;
- 9 (k) Reside in a specified place or area or refrain from  
10 residing in a specified place or area;
- 11 (l) Submit to periodic urinalysis or other similar testing  
12 procedure;
- 13 (m) Refrain from entering specified geographical areas  
14 without the court's permission;
- 15 (n) Refrain from leaving the person's dwelling place  
16 except to go to and from the person's place of  
17 employment, the office of the person's physician or  
18 dentist, the probation office, or any other location  
19 as may be approved by the person's probation officer  
20 pursuant to court order. As used in this paragraph,  
21 "dwelling place" includes the person's yard or, in the  
22 case of condominiums, the common elements;



- 1 (o) Comply with a specified curfew;
- 2 (p) Submit to monitoring by an electronic monitoring
- 3 device; or
- 4 (q) Satisfy other reasonable conditions as the court may
- 5 impose."

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

9 SECTION 4. Statutory material to be repealed is bracketed  
 10 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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JAN 21 2011



**Report Title:**

Judicial Sentencing; Penal Code; Manslaughter; Negligent Homicide

**Description:**

Amends the driver's license revocation provision to require a lifetime revocation for manslaughter involving the operation of a vehicle, five to ten years for negligent homicide in the first degree, and two to five years for negligent homicide in the second degree. Allows for up to two years of imprisonment when a convicted defendant is sentenced to probation for manslaughter.

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

