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# A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1           SECTION 1. Section 707-700, Hawaii Revised Statutes, is  
2 amended by adding three new definitions to be appropriately  
3 inserted and to read as follows:

4           "Public highway" shall have the same meaning as in section  
5 264-1.

6           "Street" shall have the same meaning as in section 291C-1.

7           "Vulnerable user" means:

8           (1) A pedestrian legally within a street or public  
9           highway;

10          (2) A roadway worker actually engaged in work upon a  
11          street or public highway or in work upon utility  
12          facilities along a street or public highway, or  
13          engaged in the provision of emergency services within  
14          a street or public highway, including but not limited  
15          to:

16          (A) Construction and maintenance workers; and

17          (B) Police, fire, and other emergency responders; or

18          (3) A person legally operating any of the following within



- 1           the street or public highway:
- 2           (A) A bicycle;
- 3           (B) A moped;
- 4           (C) An electric personal assistive mobility device;
- 5           or
- 6           (D) A wheelchair conveyance or other personal
- 7           mobility device."

8           SECTION 2. Section 706-600.5, Hawaii Revised Statutes, is  
 9 amended to read as follows:

10           "**§706-600.5 Definitions of terms in this chapter.** In this  
 11 chapter, unless a different meaning plainly is required:

12           "Day" means a twenty-four-hour period of time.

13           "Month" means a thirty-day period of time.

14           "Secure drug treatment facility" means a facility employing  
 15 security protocols modeled after a minimum-security detention  
 16 center, including continuous direct supervision.

17           "Vulnerable user" shall have the same meaning as in section  
 18 707-700.

19           "Year" means a three hundred sixty-five-day period of  
 20 time."

21           SECTION 3. Section 707-703, Hawaii Revised Statutes, is  
 22 amended by amending subsection (2) to read as follows:



1           "(2) Negligent homicide in the second degree is a class C  
2 felony[-]; provided that if the person whose death is caused by  
3 the operation of a vehicle in a negligent manner is a vulnerable  
4 user, negligent homicide in the second degree is a class B  
5 felony."

6           SECTION 4. Section 707-704, Hawaii Revised Statutes, is  
7 amended by amending subsection (3) to read as follows:

8           "(3) Negligent homicide in the third degree is a  
9 misdemeanor[-]; provided that if the person whose death is  
10 caused by the operation of a vehicle in a manner which is simple  
11 negligence is a vulnerable user, negligent homicide in the third  
12 degree is a class C felony."

13           SECTION 5. Section 707-706, Hawaii Revised Statutes, is  
14 amended by amending subsection (2) to read as follows:

15           "(2) Negligent injury in the second degree is a  
16 misdemeanor[-]; provided that if the person whose substantial  
17 injury is caused by the operation of a motor vehicle in a  
18 negligent manner is a vulnerable user, negligent injury in the  
19 second degree is a class C felony."

20           SECTION 6. This Act does not affect rights and duties that  
21 matured, penalties that were incurred, and proceedings that were  
22 begun before its effective date.



1 SECTION 7. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3 SECTION 8. This Act shall take effect on January 7, 2059.



**Report Title:**

Highway Safety; Negligent Homicide; Negligent Injury

**Description:**

Amends penalties for negligent homicide in the second degree, negligent homicide in the third degree, and negligent injury in the second degree when the incident involves a vulnerable highway user. Adds definitions. Effective January 7, 2059.  
(HB1666 HD1)

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

