
A BILL FOR AN ACT

RELATING TO HOMICIDE.

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.** Any
4 court of competent jurisdiction shall forthwith revoke the
5 license of any driver upon a conviction of the driver of
6 manslaughter or for negligent homicide in the first or second
7 degrees resulting from the operation of a motor vehicle. The
8 period of revocation shall be determined by the court at
9 sentencing."

10 SECTION 2. Section 286-126, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§286-126 Period of suspension or revocation.** Unless
13 otherwise provided by law, a court of competent jurisdiction
14 shall not suspend a license for a longer period than five years;
15 and when a court has revoked a license, the ~~[examiner of drivers~~
16 ~~shall not in any event grant an application for a new license~~
17 ~~until the expiration of one year after the date of the~~
18 ~~revocation.]~~ person whose license was revoked may not apply for,



1 and the examiner of drivers may not grant, a new driver's
2 license until the expiration of the period of revocation
3 determined by the court."

4 SECTION 3. Section 706-624, Hawaii Revised Statutes, is
5 amended by amending subsection (2) to read as follows:

6 "(2) Discretionary conditions. The court may provide, as
7 further conditions of a sentence of probation, to the extent
8 that the conditions are reasonably related to the factors set
9 forth in section 706-606 and to the extent that the conditions
10 involve only deprivations of liberty or property as are
11 reasonably necessary for the purposes indicated in section 706-
12 606(2), that the defendant:

13 (a) Serve a term of imprisonment to be determined by the
14 court at sentencing in class A felony cases under
15 section 707-702, not exceeding two years in class A
16 felony cases under part IV of chapter 712, not
17 exceeding eighteen months in class B felony cases, not
18 exceeding one year in class C felony cases, not
19 exceeding six months in misdemeanor cases, and not
20 exceeding five days in petty misdemeanor cases;
21 provided that notwithstanding any other provision of
22 law, any order of imprisonment under this subsection



1 that provides for prison work release shall require
2 the defendant to pay thirty per cent of the
3 defendant's gross pay earned during the prison work
4 release period to satisfy any restitution order. The
5 payment shall be handled by the adult probation
6 division and shall be paid to the victim on a monthly
7 basis;

8 (b) Perform a specified number of hours of services to the
9 community as described in section 706-605(1)(d);

10 (c) Support the defendant's dependents and meet other
11 family responsibilities;

12 (d) Pay a fine imposed pursuant to section 706-605(1)(b);

13 (e) Work conscientiously at suitable employment or pursue
14 conscientiously a course of study or vocational
15 training that will equip the defendant for suitable
16 employment;

17 (f) Refrain from engaging in a specified occupation,
18 business, or profession bearing a reasonably direct
19 relationship to the conduct constituting the crime or
20 engage in the specified occupation, business, or
21 profession only to a stated degree or under stated
22 circumstances;



- 1 (g) Refrain from frequenting specified kinds of places or
2 from associating unnecessarily with specified persons,
3 including [~~but not limited to~~] the victim of the
4 crime, any witnesses, regardless of whether they
5 actually testified in the prosecution, law enforcement
6 officers, co-defendants, or other individuals with
7 whom contact may adversely affect the rehabilitation
8 or reformation of the person convicted;
- 9 (h) Refrain from use of alcohol or any use of narcotic
10 drugs or controlled substances without a prescription;
- 11 (i) Refrain from possessing a firearm, ammunition,
12 destructive device, or other dangerous weapon;
- 13 (j) Undergo available medical or mental health treatment,
14 including treatment for substance abuse dependency,
15 and remain in a specified facility if required for
16 that purpose;
- 17 (k) Reside in a specified place or area or refrain from
18 residing in a specified place or area;
- 19 (l) Submit to periodic urinalysis or other similar testing
20 procedure;
- 21 (m) Refrain from entering specified geographical areas
22 without the court's permission;



- 1 (n) Refrain from leaving the person's dwelling place
2 except to go to and from the person's place of
3 employment, the office of the person's physician or
4 dentist, the probation office, or any other location
5 as may be approved by the person's probation officer
6 pursuant to court order. As used in this paragraph,
7 "dwelling place" includes the person's yard or, in the
8 case of condominiums, the common elements;
- 9 (o) Comply with a specified curfew;
- 10 (p) Submit to monitoring by an electronic monitoring
11 device; or
- 12 (q) Satisfy other reasonable conditions as the court may
13 impose."

14 SECTION 4. Section 706-659, Hawaii Revised Statutes, is
15 amended to read as follows:

16 **"§706-659 Sentence of imprisonment for class A felony.**

17 Notwithstanding part II; sections 706-605, 706-606, 706-606.5,
18 706-660.1, 706-661, and 706-662; and any other law to the
19 contrary, a person who has been convicted of a class A felony,
20 except class A felonies defined in chapter 712, part IV, or
21 section 707-702, shall be sentenced to an indeterminate term of
22 imprisonment of twenty years without the possibility of



1 suspension of sentence or probation. The minimum length of
2 imprisonment shall be determined by the Hawaii paroling
3 authority in accordance with section 706-669. A person who has
4 been convicted of a class A felony defined in chapter 712, part
5 IV, or section 707-702, may be sentenced to an indeterminate
6 term of imprisonment, except as provided for in section
7 706-660.1 relating to the use of firearms in certain felony
8 offenses and section 706-606.5 relating to repeat offenders.
9 When ordering such a sentence, the court shall impose the
10 maximum length of imprisonment which shall be twenty years. The
11 minimum length of imprisonment shall be determined by the Hawaii
12 paroling authority in accordance with section 706-669."

13 SECTION 5. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 6. Statutory material to be repealed is bracketed
17 and stricken. New statutory material is underscored.

18 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Sentencing; Manslaughter

Description:

Amends drivers license revocation provisions to require revocation for a period of time as determined by the sentencing court when a driver is convicted of manslaughter involving a vehicle or for negligent homicide in the first or second degrees. Allows for a term of imprisonment when a convicted defendant is sentenced to probation for manslaughter for a period of time to be determined by the sentencing court. Clarifies statutory language to specify that probation is an available sentence for manslaughter. (HB1791 CD1)

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