
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 706-623, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) When the court has sentenced a defendant to be placed
4 on probation, the period of probation shall be as follows,
5 unless the court enters the reason therefor on the record and
6 sentences the defendant to a shorter period of probation:

7 (a) Ten years upon conviction of a class A felony;

8 (b) Five years upon conviction of a class B or class C
9 felony;

10 (c) One year upon conviction of a misdemeanor; except that
11 upon a conviction under section 586-4, 586-11, or 709-
12 906, the court may sentence the defendant to a period
13 of probation not exceeding two years; or

14 (d) Six months upon conviction of a petty misdemeanor;
15 provided that up to one year may be imposed upon a
16 finding of good cause.

17 The court, on application of a probation officer, on application
18 of the defendant, or on its own motion, may discharge the



1 defendant at any time. Prior to granting early discharge, the
2 defendant's probation officer shall be required to report to the
3 court concerning the defendant's compliance or non-compliance
4 with the conditions of probation and the court shall afford the
5 prosecuting attorney an opportunity to be heard. The terms of
6 probation provided in this part, other than in this section,
7 shall not apply to sentences of probation imposed under section
8 706-606.3."

9 SECTION 2. New statutory material is underscored.

10 SECTION 3. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Calvin K. Ay
By Request

JAN 13 2012

H.B. NO. 1798

Report Title:

Probation; Early Discharge; Compliance Report; Judiciary Package

Description:

Requires probation officer, prior to early discharge of defendant, to report to court concerning defendant's compliance or non-compliance with terms of probation.

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