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# A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

1 SECTION 1. Section 706-668.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§706-668.5 Multiple sentence of imprisonment. (1) If  
4 multiple terms of imprisonment are imposed on a defendant,  
5 whether at the same time or at different times, or if a term of  
6 imprisonment is imposed on a defendant who is already subject to  
7 an unexpired term of imprisonment, the terms may run  
8 concurrently or consecutively. Multiple terms of imprisonment  
9 run concurrently unless the court orders or the statute mandates  
10 that the terms run consecutively.

11 (2) The court, in determining whether the terms imposed  
12 are to be ordered to run concurrently or consecutively, shall  
13 consider the factors set forth in section 706-606.

14 (3) Any resentencing pursuant to this section of  
15 defendants who were sentenced prior to June 18, 2008, shall not:

16 (a) Be considered as a reopening of a final judgment; or

17 (b) Impose any liability upon the State for sentencing  
18 errors."



1 SECTION 2. Act 193, Session Laws of Hawaii 2008, is  
2 amended by amending section 3 to read as follows:

3 "SECTION 3. This Act shall apply to all terms of  
4 imprisonment imposed before, on, or after the effective date of  
5 this Act."

6 SECTION 3. The department of public safety, upon written  
7 request by an inmate serving multiple terms of imprisonment,  
8 shall recalculate the inmate's term of imprisonment to comply  
9 with section 706-668.5, Hawaii Revised Statutes, as amended by  
10 Act 193, Session Laws of Hawaii 2008, and in compliance with the  
11 retroactive effect of section 2 of this Act and, if warranted by  
12 the recalculation, release the inmate.

13 SECTION 4. New statutory material is underscored.

14 SECTION 5. This Act shall take effect on July 1, 2011.

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**Report Title:**

Hawaii Penal Code; Multiple Sentence of Imprisonment

**Description:**

Beginning 01/01/2012, retroactively requires that multiple terms of imprisonment run concurrently unless the court orders or the law mandates that the terms run consecutively. Effective immediately, directs department of public safety to recalculate the sentences of inmates who submit written requests and, if warranted by the recalculation, release the inmates. Clarifies that resentencing of defendants whose sentence was imposed prior to effective date of Act 193 shall not be considered as a reopening of a final judgment or impose any liability upon State for sentencing errors. (SD1)

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

