

JAN 25 2012

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 "**S286-124 Mandatory revocation of license by a court.** (a)
4 Any court of competent jurisdiction shall forthwith revoke the
5 license of any driver for a period of up to ten years upon a
6 conviction of the driver of manslaughter resulting from the
7 operation of a motor vehicle.

8 (b) Any court of competent jurisdiction shall forthwith
9 revoke the license of any driver for a period of up to five
10 years upon a conviction of the driver of negligent homicide in
11 the first degree or negligent homicide in the second degree."

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

14 "(2) Discretionary conditions. The court may provide, as
15 further conditions of a sentence of probation, to the extent
16 that the conditions are reasonably related to the factors set
17 forth in section 706-606 and to the extent that the conditions
18 involve only deprivations of liberty or property as are



1 reasonably necessary for the purposes indicated in section 706-
2 606(2), that the defendant:

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

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

19 (c) Support the defendant's dependents and meet other
20 family responsibilities;

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



- 1 (e) Work conscientiously at suitable employment or pursue
2 conscientiously a course of study or vocational
3 training that will equip the defendant for suitable
4 employment;
- 5 (f) Refrain from engaging in a specified occupation,
6 business, or profession bearing a reasonably direct
7 relationship to the conduct constituting the crime or
8 engage in the specified occupation, business, or
9 profession only to a stated degree or under stated
10 circumstances;
- 11 (g) Refrain from frequenting specified kinds of places or
12 from associating unnecessarily with specified persons,
13 including [~~but not limited to~~] the victim of the
14 crime, any witnesses, regardless of whether they
15 actually testified in the prosecution, law enforcement
16 officers, co-defendants, or other individuals with
17 whom contact may adversely affect the rehabilitation
18 or reformation of the person convicted;
- 19 (h) Refrain from use of alcohol or any use of narcotic
20 drugs or controlled substances without a prescription;
- 21 (i) Refrain from possessing a firearm, ammunition,
22 destructive device, or other dangerous weapon;



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



1 (q) Satisfy other reasonable conditions as the court may
2 impose."

3 SECTION 3. Section 706-659, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§706-659 Sentence of imprisonment for class A felony.**

6 Notwithstanding part II; sections 706-605, 706-606, 706-606.5,
7 706-660.1, 706-661, and 706-662; and any other law to the
8 contrary, a person who has been convicted of a class A felony,
9 except class A felonies defined in chapter 712, part IV, or
10 section 707-702, shall be sentenced to an indeterminate term of
11 imprisonment of twenty years without the possibility of
12 suspension of sentence or probation. The minimum length of
13 imprisonment shall be determined by the Hawaii paroling
14 authority in accordance with section 706-669. A person who has
15 been convicted of a class A felony defined in chapter 712, part
16 IV, or section 707-702, may be sentenced to an indeterminate
17 term of imprisonment, except as provided for in section 706-
18 660.1 relating to the use of firearms in certain felony offenses
19 and section 706-606.5 relating to repeat offenders. When
20 ordering such a sentence, the court shall impose the maximum
21 length of imprisonment which shall be twenty years. The minimum




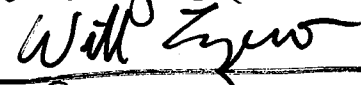
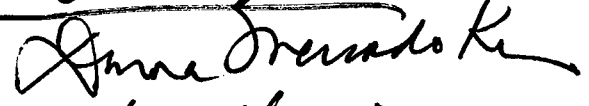




1 length of imprisonment shall be determined by the Hawaii
2 paroling authority in accordance with section 706-669."

3 SECTION 4. This Act does not affect rights and duties that
4 matured, penalties that were incurred, and proceedings that were
5 begun before its effective date.

6 SECTION 5. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

8 SECTION 6. This Act shall take effect upon its approval.
9

INTRODUCED BY: 



Report Title:

License Revocation; Sentencing

Description:

Requires drivers' license revocations upon convictions for negligent homicide in either the first or second degree. Sets maximum periods of license revocations for convictions of manslaughter and negligent homicide in the first or second degree. Makes imprisonment of up to two years a discretionary condition of probation for manslaughter convictions. Clarifies that probation is an available sentence 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.

