



EXECUTIVE CHAMBERS
HONOLULU

NEIL ABERCROMBIE
GOVERNOR

June 26, 2013

GOV. MSG. NO. 1313

The Honorable Donna Mercado Kim,
President
and Members of the Senate
Twenty-Seventh State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,
Speaker and Members of the
House of Representatives
Twenty-Seventh State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kim, Speaker Souki, and Members of the Legislature:

This is to inform you that on June 26, 2013, the following bill was signed into law:

SB978 HD1 CD1

RELATING TO THE PENAL CODE
ACT 210 (13)

Aloha
Sincerely,
Neil Abercrombie

NEIL ABERCROMBIE
Governor, State of Hawaii

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 706-620, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-620 Authority to withhold sentence of imprisonment.

4 A defendant who has been convicted of a crime may be sentenced
5 to a term of probation unless:

6 (1) The crime is first or second degree murder or
7 attempted first or second degree murder;

8 (2) The crime is a class A felony, except class A felonies
9 defined in chapter 712, part IV, and by section
10 707-702;

11 (3) The defendant is a repeat offender under section
12 706-606.5;

13 (4) The defendant is a felony firearm offender as defined
14 in section 706-660.1(2); [~~or~~]

15 (5) The crime involved the death of or the infliction of
16 serious or substantial bodily injury upon a child, an
17 elder person, or a handicapped person under section
18 706-660.2[-]; or



1 (6) The crime is cruelty to animals where ten or more pet
2 animals were involved under section 711-1108.5 or
3 711-1109."

4 SECTION 2. Section 711-1109, Hawaii Revised Statutes, is
5 amended by amending subsection (4) to read as follows:

6 "(4) Cruelty to animals in the second degree is a
7 misdemeanor~~[-]~~, except where the offense involves ten or more
8 pet animals in any one instance which is a class C felony."

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

12 SECTION 4. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 5. This Act shall take effect upon its approval.

APPROVED this 26 day of JUN , 2013

 

GOVERNOR OF THE STATE OF HAWAII