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# HOUSE CONCURRENT RESOLUTION

REQUESTING THE JUDICIARY TO CONVENE A WORKING GROUP TO EXAMINE  
HAWAII'S ENHANCED SENTENCING AND EXTENDED SENTENCING LAWS.

1           WHEREAS, under Hawaii's enhanced sentencing law, section  
2 706-657, Hawaii Revised Statutes, a person who has been  
3 convicted of second degree murder may be sentenced to life  
4 without the possibility of parole if the court finds that the  
5 murder was especially heinous, atrocious, or cruel, manifesting  
6 exceptional depravity or where the person was previously  
7 convicted of murder in the first or second degree; and  
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9           WHEREAS, while a conviction for second degree murder that  
10 involved a heinous, atrocious, or cruel act may warrant enhanced  
11 sentencing, it leaves the decision to pursue enhanced sentencing  
12 to the discretion of the prosecutor or the court and requires an  
13 entirely separate hearing after the trial; and  
14

15           WHEREAS, under Hawaii's extended sentencing laws in  
16 sections 706-661 and 706-662, Hawaii Revised Statutes, the court  
17 may sentence a person to an extended term of imprisonment if  
18 certain criteria are met; and  
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20           WHEREAS, Hawaii's extended sentencing law seeks to address  
21 those situations involving convicted defendants whose records  
22 and situations suggest a need for extended incarceration to  
23 protect the public; now, therefore,  
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25           BE IT RESOLVED by the House of Representatives of the  
26 Twenty-seventh Legislature of the State of Hawaii, Regular  
27 Session of 2013, the Senate concurring, that the Judiciary is  
28 requested to convene a working group to examine Hawaii's  
29 enhanced sentencing and extended sentencing laws; and  
30

31           BE IT FURTHER RESOLVED that the Judiciary is encouraged to  
32 include in the working group representatives from the:  
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- 1 (1) Department of the Attorney General;
- 2
- 3 (2) Department of Public Safety;
- 4
- 5 (3) Department of the Prosecuting Attorney of the City and
- 6 County of Hawaii;
- 7
- 8 (4) Office of the Prosecuting Attorney of the County of
- 9 Hawaii;
- 10
- 11 (5) Office of the Prosecuting Attorney of the County of
- 12 Maui;
- 13
- 14 (6) Office of the Prosecuting Attorney of the County of
- 15 Kauai;
- 16
- 17 (7) State Public Defender; and
- 18
- 19 (8) Hawaii State Bar Association Criminal Justice and
- 20 Corrections Section; and

21 BE IT FURTHER RESOLVED that the working group is requested  
 22 to:  
 23

- 24
- 25 (1) Determine the number of cases over the last ten years
- 26 in which the prosecutor or court sought enhanced
- 27 sentencing pursuant to section 706-657, Hawaii Revised
- 28 Statutes, in cases involving a second degree murder
- 29 conviction and the number of cases in which enhanced
- 30 sentencing was granted;
- 31
- 32 (2) Determine the number of cases over the last ten years
- 33 in which the prosecutor or court sought extended
- 34 sentencing pursuant to section 706-661, Hawaii Revised
- 35 Statutes, and the number of cases in which extended
- 36 sentencing was granted;
- 37
- 38 (3) For cases in which extended sentencing was granted
- 39 over the last ten years, examine the amount of time
- 40 sentenced against the amount of time actually served;
- 41 and
- 42
- 43 (4) Review the criteria for extended terms of imprisonment
- 44 provided in section 706-662, Hawaii Revised Statutes,



1 and determine whether further statutory clarity is  
2 necessary; and  
3

4 BE IT FURTHER RESOLVED that the working group is requested  
5 to submit a report of its findings and recommendations,  
6 including any proposed legislation, to the Legislature no later  
7 than twenty days prior to the convening of the Regular Session  
8 of 2014 and be dissolved on June 30, 2014; and  
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10 BE IT FURTHER RESOLVED that certified copies of this  
11 Concurrent Resolution be transmitted to the Administrator of the  
12 Courts, Attorney General, Director of Public Safety, Prosecuting  
13 Attorney of the City and County of Honolulu, Prosecuting  
14 Attorney of the County of Hawaii, Prosecuting Attorney of the  
15 County of Maui, Prosecuting Attorney of the County of Kauai,  
16 State Public Defender, and Chairperson of the Hawaii State Bar  
17 Association Criminal Justice and Corrections Section.  
18  
19  
20

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