H.R. NO. 44

## HOUSE 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

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

WHEREAS, under Hawaii's extended sentencing laws in sections 706-661 and 706-662, Hawaii Revised Statutes, the court may sentence a person to an extended term of imprisonment if certain criteria are met; and

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,

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, that the Judiciary is requested to convene a 28 working group to examine Hawaii's enhanced sentencing and 29 extended sentencing laws; and

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) Department of the Attorney General;
- (2) Department of Public Safety;



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2 3 4		(3)	Department of the Prosecuting Attorney of the City and County of Hawaii;
5 6 7		(4)	Office of the Prosecuting Attorney of the County of Hawaii;
8 9 10		(5)	Office of the Prosecuting Attorney of the County of Maui;
11 12		(6)	Office of the Prosecuting Attorney of the County of Kauai;
13 14		(7)	State Public Defender; and
15 16 17 18		(8)	Hawaii State Bar Association Criminal Justice and Corrections Section; and
19 20 21	to:	BE I	I FURTHER RESOLVED that the working group is requested
22 23 24 25 26 27		(1)	Determine the number of cases over the last ten years in which the prosecutor or court sought enhanced sentencing pursuant to section 706-657, Hawaii Revised Statutes, in cases involving a second degree murder conviction and the number of cases in which enhanced sentencing was granted;
28 29 30 31 32 33 34		(2)	Determine the number of cases over the last ten years in which the prosecutor or court sought extended sentencing pursuant to section 706-661, Hawaii Revised Statutes, and the number of cases in which extended sentencing was granted;
34 35 36 37 38 39		(3)	For cases in which extended sentencing was granted over the last ten years, examine the amount of time sentenced against the amount of time actually served; and
59 40 41 42 43 44		(4)	Review the criteria for extended terms of imprisonment provided in section 706-662, Hawaii Revised Statutes, and determine whether further statutory clarity is necessary; and



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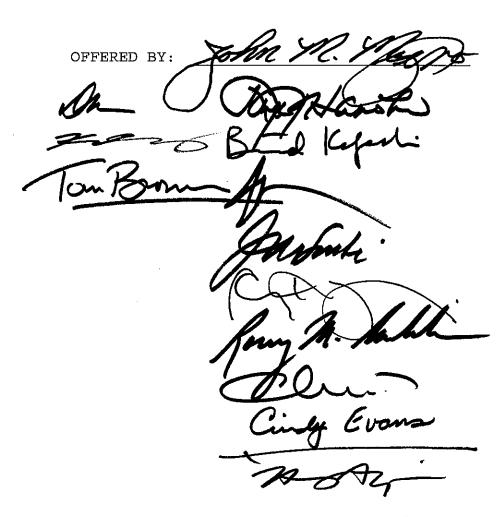
BE IT FURTHER RESOLVED that the working group is requested to submit a report of its findings and recommendations, including any proposed legislation, to the Legislature no later than twenty days prior to the convening of the Regular Session of 2014 and be dissolved on June 30, 2014; and

7 BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Administrator of the Courts, 8 Attorney General, Director of Public Safety, Prosecuting 9 Attorney of the City and County of Honolulu, Prosecuting 10 11 Attorney of the County of Hawaii, Prosecuting Attorney of the County of Maui, Prosecuting Attorney of the County of Kauai, 12 State Public Defender, and Chairperson of the Hawaii State Bar 13 Association Criminal Justice and Corrections Section. 14



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