
A BILL FOR AN ACT

RELATING TO SENTENCE OF IMPRISONMENT FOR SEXUAL ASSAULT OF A
MINOR AGE TWELVE OR YOUNGER.

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

1 SECTION 1. The legislature finds that children are a
2 vulnerable group that needs to be protected from sexual
3 predators. Sexual crimes committed against children age twelve
4 and younger are particularly egregious, given that children in
5 that age range are incapable of legally consenting to any sexual
6 acts. The legislature therefore finds that imposing a mandatory
7 minimum term of imprisonment upon persons convicted of certain
8 sexual crimes against children age twelve and younger is
9 warranted, and serves as a deterrent to future conduct.

10 The purpose of this Act is to establish a mandatory minimum
11 term of imprisonment for persons age eighteen and older who have
12 been convicted of certain sexual offenses against a child age
13 twelve or younger.

14 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
15 amended by adding a new section to be appropriately designated
16 and to read as follows:



1 "§706- Sentence of imprisonment for sexual assault of a
2 minor age twelve or younger. (1) Any person who is convicted
3 of an offense under section 707-730(1)(a), 707-730(1)(d), or
4 707-730(1)(e) against a minor age twelve or younger, if not
5 sentenced to an extended term of imprisonment pursuant to 706-
6 662, shall be sentenced to a mandatory minimum term of
7 imprisonment of six years, eight months without the possibility
8 of parole or probation.

9 (2) Any person who is convicted of an offense under
10 section 707-731(1)(a), 707-731(1)(b), or 707-731(1)(c) against a
11 minor age twelve or younger, if not sentenced to an extended
12 term of imprisonment pursuant to 706-662, shall be sentenced to
13 a mandatory minimum term of imprisonment of three years, four
14 months without the possibility of parole or probation.

15 (3) Any person who is convicted of an offense under
16 section 707-732(1)(a) against a minor age twelve or younger, if
17 not sentenced to an extended term of imprisonment pursuant to
18 706-662, shall be sentenced to a mandatory minimum term of
19 imprisonment of one year, eight months without the possibility
20 of parole or probation."



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

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2013.

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JAN 24 2013



H.B. NO. 1371

Report Title:

Penal Code; Sentencing; Sexual Assault; Minor Age 12 and Under

Description:

Requires the court to impose a mandatory minimum term of imprisonment without possibility of parole or probation for a person convicted of certain acts of sexual assault against a minor age 12 or younger.

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