
A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) Notwithstanding section 706-669 and any other law to
4 the contrary, any person convicted of murder in the second
5 degree, any class A felony, any class B felony, or any of the
6 following class C felonies: section 188-23 relating to
7 possession or use of explosives, electrofishing devices, and
8 poisonous substances in state waters; section 386-98(d)(1)
9 relating to fraud violations and penalties; section 431:2-
10 403(b)(2) relating to insurance fraud; section 707-703 relating
11 to negligent homicide in the second degree; section 707-711
12 relating to assault in the second degree; section 707-713
13 relating to reckless endangering in the first degree; section
14 707-716 relating to terroristic threatening in the first degree;
15 section 707-721 relating to unlawful imprisonment in the first
16 degree; section 707-732 relating to sexual assault or rape in
17 the third degree; section 707-752 relating to promoting child
18 abuse in the third degree; section 707-757 relating to



1 electronic enticement of a child in the second degree; section
2 707-766 relating to extortion in the second degree; section 708-
3 811 relating to burglary in the second degree; section 708-821
4 relating to criminal property damage in the second degree;
5 section 708-831 relating to theft in the first degree as amended
6 by Act 68, Session Laws of Hawaii 1981; section 708-831 relating
7 to theft in the second degree; section 708-835.5 relating to
8 theft of livestock; section 708-836 relating to unauthorized
9 control of propelled vehicle; section 708-839.8 relating to
10 identity theft in the third degree; section 708-839.55 relating
11 to unauthorized possession of confidential personal information;
12 section 708-852 relating to forgery in the second degree;
13 section 708-854 relating to criminal possession of a forgery
14 device; section 708-875 relating to trademark counterfeiting;
15 section 710-1071 relating to intimidating a witness; section
16 711-1103 relating to riot; section 712-1203 relating to
17 promoting prostitution in the second degree; section 712-1221
18 relating to gambling in the first degree; section 712-1224
19 relating to possession of gambling records in the first degree;
20 section 712-1243 relating to promoting a dangerous drug in the
21 third degree; section 712-1247 relating to promoting a
22 detrimental drug in the first degree; section 846E-9 relating to



1 failure to comply with covered offender registration
2 requirements; section 134-7 relating to ownership or possession
3 of firearms or ammunition by persons convicted of certain
4 crimes; section 134-8 relating to ownership, etc., of prohibited
5 weapons; section 134-9 relating to permits to carry, or who is
6 convicted of attempting to commit murder in the second degree,
7 any class A felony, any class B felony, or any of the class C
8 felony offenses enumerated above and who has a prior conviction
9 or prior convictions for the following felonies, including an
10 attempt to commit the same: murder, murder in the first or
11 second degree, a class A felony, a class B felony, any of the
12 class C felony offenses enumerated above, or any felony
13 conviction of another jurisdiction, shall be sentenced to a
14 mandatory minimum period of imprisonment without possibility of
15 parole during such period as follows:

16 (a) One prior felony conviction:

- 17 ~~[(i) Where the instant conviction is for murder in the~~
18 ~~second degree or attempted murder in the second~~
19 ~~degree--ten years;~~
- 20 ~~(ii) Where the instant conviction is for a class A~~
21 ~~felony--six years, eight months;~~



H.B. NO. 1520

- 1 ~~(iii)~~ Where the instant conviction is for a class B
2 ~~felony--three years, four months; and~~
- 3 ~~(iv)~~ Where the instant conviction is for a class C
4 ~~felony offense enumerated above--one year, eight~~
5 ~~months;~~
- 6 ~~(b)~~ ~~Two prior felony convictions:]~~
- 7 (i) Where the instant conviction is for murder in the
8 second degree or attempted murder in the second
9 degree--twenty years;
- 10 (ii) Where the instant conviction is for a class A
11 felony--~~[thirteen]~~ ten years~~[, four months];~~
- 12 (iii) Where the instant conviction is for a class B
13 felony--~~[six]~~ five years~~[, eight months]; and~~
- 14 (iv) Where the instant conviction is for a class C
15 felony offense enumerated above--~~[three]~~ two
16 years, ~~[four]~~ six months;
- 17 ~~[(e)]~~ (b) ~~[Three]~~ Two or more prior felony convictions:
- 18 (i) Where the instant conviction is for murder in the
19 second degree or attempted murder in the second
20 degree--thirty years;
- 21 (ii) Where the instant conviction is for a class A
22 felony--twenty years;



H.B. NO. 1520

- 1 (iii) Where the instant conviction is for a class B
2 felony--ten years; and
3 (iv) Where the instant conviction is for a class C
4 felony offense enumerated above--five years."

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

8 SECTION 3. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 4. This Act shall take effect upon its approval.

11

INTRODUCED BY:

Gytha Thiel

JAN 08 2014



H.B. NO. 1520

Report Title:

Sentencing; Repeat Offenders

Description:

Increases mandatory minimum terms of imprisonment for repeat offenders.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

