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# A BILL FOR AN ACT

RELATING TO SENTENCING.

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

- 1           SECTION 1. Chapter 706, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:
- 4           "§706-           Mandatory minimum sentence of imprisonment for  
5 a class A felony first degree sexual assault against children.
- 6           (1) Notwithstanding any provision of chapter 706 to the  
7 contrary, a person convicted of sexual assault in the first  
8 degree under section 707-730(1)(b) shall be sentenced to a  
9 mandatory minimum term of imprisonment, without the possibility  
10 of parole, for a period of twenty years.
- 11          (2) This section shall not apply to:
- 12           (a) Convicted defendants who are minors;
- 13           (b) Convicted defendants who are severely developmentally  
14 disabled; or
- 15           (c) Convicted defendants who have shown by clear and  
16 convincing evidence that prior to the commission of the offense:
- 17           (i) the minor victim purported to be at least sixteen years; and



1 (2) displayed photographic government issued identification  
2 corroborating the minor victim's age was at least sixteen years.  
3 (3) A person sentenced to a minimum sentence pursuant to this  
4 section may not be released, paroled or allowed any term of  
5 suspended sentence during the minimum term of the person's  
6 sentence."

7 SECTION 2. New statutory material is underscored.

8 SECTION 3. This Act shall take effect upon its approval.

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INTRODUCED BY: Rebecca H

JAN 21 2014



# H.B. NO. 2395

**Report Title:**

Sexual Assault of a minor less than fourteen years; mandatory minimum sentencing

**Description:**

Establishes a mandatory minimum sentence of twenty years for class A felony of first degree sexual assault of a minor who is less than fourteen years of age.

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

