

JAN 17 2014

A BILL FOR AN ACT

RELATING TO UNAUTHORIZED ENTRY INTO MOTOR VEHICLE.

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 708-836.5 relating to
10 unauthorized entry into motor vehicle in the first degree;
11 section 708-839.8 relating to identity theft in the third
12 degree; section 708-839.55 relating to unauthorized possession
13 of confidential personal information; section 708-852 relating
14 to forgery in the second degree; section 708-854 relating to
15 criminal possession of a forgery device; section 708-875
16 relating to trademark counterfeiting; section 710-1071 relating
17 to intimidating a witness; section 711-1103 relating to riot;
18 section 712-1203 relating to promoting prostitution in the
19 second degree; section 712-1221 relating to gambling in the
20 first degree; section 712-1224 relating to possession of
21 gambling records in the first degree; section 712-1243 relating
22 to promoting a dangerous drug in the third degree; section 712-



1 1247 relating to promoting a detrimental drug in the first
2 degree; section 846E-9 relating to failure to comply with
3 covered offender registration requirements; section 134-7
4 relating to ownership or possession of firearms or ammunition by
5 persons convicted of certain crimes; section 134-8 relating to
6 ownership, etc., of prohibited weapons; section 134-9 relating
7 to permits to carry, or who is convicted of attempting to commit
8 murder in the second degree, any class A felony, any class B
9 felony, or any of the class C felony offenses enumerated above
10 and who has a prior conviction or prior convictions for the
11 following felonies, including an attempt to commit the same:
12 murder, murder in the first or second degree, a class A felony,
13 a class B felony, any of the class C felony offenses enumerated
14 above, or any felony conviction of another jurisdiction, shall
15 be sentenced to a mandatory minimum period of imprisonment
16 without possibility of parole during such period as follows:

17 (a) One prior felony conviction:

18 (i) Where the instant conviction is for murder in the
19 second degree or attempted murder in the second
20 degree--ten years;

21 (ii) Where the instant conviction is for a class A
22 felony--six years, eight months;



- 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 years, four months;
- 12 (iii) Where the instant conviction is for a class B
- 13 felony--six years, eight months; and
- 14 (iv) Where the instant conviction is for a class C
- 15 felony offense enumerated above--three years,
- 16 four months;
- 17 (c) Three 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;



- 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. New statutory material is underscored.

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

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INTRODUCED BY:

[Handwritten signatures]

 Mike Gabbard
 Will Cyren
 Michelle Kidani
 Suzanne Chun Au
 [Signature]



S.B. NO. 2383

Report Title:

Repeat offenders; Unauthorized Entry Into Motor Vehicle

Description:

Requires a mandatory minimum sentencing period of imprisonment for any person who is convicted for and has a prior conviction or prior convictions for unauthorized entry into a motor vehicle in the first degree.

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

