
A BILL FOR AN ACT

RELATING TO THE HOMELESS.

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

1 SECTION 1. Section 706-662, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "~~§~~706-662 **Criteria for extended terms of imprisonment.**

4 (1) A defendant who has been convicted of a felony may be
5 subject to an extended term of imprisonment under section 706-
6 661 if it is proven beyond a reasonable doubt that an extended
7 term of imprisonment is necessary for the protection of the
8 public and that the convicted defendant satisfies one or more of
9 the following criteria:

10 ~~[(1)]~~ (a) The defendant is a persistent offender in that
11 the defendant has previously been convicted of two or
12 more felonies committed at different times when the
13 defendant was eighteen years of age or older;

14 ~~[(2)]~~ (b) The defendant is a professional criminal in that:

15 ~~[(a)]~~ (i) The circumstances of the crime show that the
16 defendant has knowingly engaged in criminal
17 activity as a major source of livelihood; or



1 ~~[(b)]~~ (ii) The defendant has substantial income or
2 resources not explained to be derived from a
3 source other than criminal activity;

4 ~~[(3)]~~ (c) The defendant is a dangerous person in that the
5 defendant has been subjected to a psychiatric or
6 psychological evaluation that documents a significant
7 history of dangerousness to others resulting in
8 criminally violent conduct, and this history makes the
9 defendant a serious danger to others. Nothing in this
10 section precludes the introduction of victim-related
11 data to establish dangerousness in accord with the
12 Hawaii rules of evidence;

13 ~~[(4)]~~ (d) The defendant is a multiple offender in that:

14 ~~[(a)]~~ (i) The defendant is being sentenced for two or
15 more felonies or is already under sentence of
16 imprisonment for any felony; or

17 ~~[(b)]~~ (ii) The maximum terms of imprisonment
18 authorized for each of the defendant's crimes, if
19 made to run consecutively, would equal or exceed
20 in length the maximum of the extended term
21 imposed or would equal or exceed forty years if



1 the extended term imposed is for a class A
2 felony;

3 ~~[(5)]~~ (e) The defendant is an offender against the elderly,
4 handicapped, unsheltered homeless, or a minor eight
5 years of age or younger in that:

6 ~~[(a)]~~ (i) The defendant attempts or commits any of the
7 following crimes: murder, manslaughter, a sexual
8 offense that constitutes a felony under chapter
9 707, robbery, felonious assault, burglary, or
10 kidnapping; and

11 ~~[(b)]~~ (ii) The defendant, in the course of committing
12 or attempting to commit the crime, inflicts
13 serious or substantial bodily injury upon a
14 person who has the status of being:

15 ~~[(i)]~~ (A) Sixty years of age or older;

16 ~~[(ii)]~~ (B) Blind, a paraplegic, or a quadriplegic;

17 ~~[(e)]~~

18 (C) Unsheltered homeless; or

19 ~~[(iii)]~~ (D) Eight years of age or younger; and

20 the person's status is known or reasonably should
21 be known to the defendant; or

22 ~~[(6)]~~ (f) The defendant is a hate crime offender in that:

1 ~~[(a)]~~ (i) The defendant is convicted of a crime under
2 chapter 707, 708, or 711; and

3 ~~[(b)]~~ (ii) The defendant intentionally selected a
4 victim or, in the case of a property crime, the
5 property that was the object of a crime, because
6 of hostility toward the actual or perceived race,
7 religion, disability, unsheltered homeless
8 status, ethnicity, national origin, gender
9 identity or expression, or sexual orientation of
10 any person. For purposes of this subsection,
11 "gender identity or expression" includes a
12 person's actual or perceived gender, as well as a
13 person's gender identity, gender-related self-
14 image, gender-related appearance, or gender-
15 related expression, regardless of whether that
16 gender identity, gender-related self-image,
17 gender-related appearance, or gender-related
18 expression is different from that traditionally
19 associated with the person's sex at birth.

20 (2) For the purposes of this section, "unsheltered
21 homeless" means an individual or family who has a primary night-
22 time residence that is a public or private place not designed



1 for or ordinarily used as sleeping accommodations for human
2 beings."

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

6 SECTION 3. Statutory material to be repealed is bracketed
7 and stricken. New statutory material is underscored.

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

9



Report Title:

Homeless; Penal Code; Hate Crime Offender; Unsheltered Homeless

Description:

Amends section 706-662, HRS, to specify that a defendant convicted of a felony may be subject to an extended term of imprisonment if it is proven beyond a reasonable doubt that the extended term is necessary for public protection, the defendant attempted to commit certain types of crimes, and while in the course of committing or attempting to commit those crimes, inflicted serious or substantial bodily injury upon an unsheltered homeless individual or family or the defendant committed a hate crime against a homeless person or family by intentionally selecting the person or family because of hostility toward their perceived unsheltered homeless status. Adds definition of "unsheltered homeless" to section 706-662, HRS. (SD1)

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