

JAN 17 2014

A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-659, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§706-659 Sentence of imprisonment for class A felony.**

4 (1) Notwithstanding part II; sections 706-605, 706-606, 706-
5 606.5, 706-660.1, 706-661, and 706-662; and any other law to the
6 contrary, a person who has been convicted of a class A felony,
7 except [~~class A felonies defined in chapter 712, part IV, or~~
8 ~~section 707-702,~~] as provided in subsection (2), shall be
9 sentenced to an indeterminate term of imprisonment of twenty
10 years without the possibility of suspension of sentence or
11 probation. The minimum length of imprisonment shall be
12 determined by the Hawaii paroling authority in accordance with
13 section 706-669.

14 (2) A person who has been convicted of a class A felony
15 defined in chapter 712, part IV, or section 707-702, may be
16 sentenced to an indeterminate term of imprisonment, except as
17 provided for in section 706-660.1 relating to the use of
18 firearms in certain felony offenses and section 706-606.5



1 relating to repeat offenders. When ordering [~~such~~] a sentence,
2 the court shall impose the [~~maximum length~~] following terms of
3 imprisonment [~~which shall be~~]:

4 (1) For a class A felony defined in chapter 712, part IV--
5 twenty years[-] or less, but not less than ten years;

6 and

7 (2) For a class A felony under section 707-702--twenty
8 years.

9 The minimum length of imprisonment shall be determined by the
10 Hawaii paroling authority in accordance with section 706-669."

11 SECTION 2. Section 706-660, Hawaii Revised Statutes, is
12 amended by amending subsection (2) to read as follows:

13 "(2) A person who has been convicted of a class B or class
14 C felony for any offense under part IV of chapter 712 may be
15 sentenced to an indeterminate term of imprisonment; provided
16 that this subsection shall not apply to sentences imposed under
17 sections 706-606.5[~~7~~] and 706-660.1[~~7, 712-1240.5, 712-1240.8,~~
18 ~~712-1242, 712-1245, 712-1249.5, 712-1249.6, 712-1249.7, and 712-~~
19 ~~1257~~].

20 When ordering a sentence under this subsection, the court
21 shall impose a term of imprisonment which shall be as follows:



1 (a) For a class B felony--ten years or less, but not less
2 than five years; and

3 (b) For a class C felony--five years or less, but not less
4 than one year.

5 The minimum length of imprisonment shall be determined by the
6 Hawaii paroling authority in accordance with section 706-669."

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

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: 



Report Title:

Sentencing; Drug Offenses; Minimum Terms of Imprisonment

Description:

Allows judges discretion in setting incarceration terms when sentencing drug offenders in certain class A, B, and C felonies.

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

