

JAN 23 2014

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



S.B. NO. 2765

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.

9

10

INTRODUCED BY:

[Handwritten signature]
Sharon Ann Clark
[Handwritten signature]
Mike Galt
Michelle Ireland



S.B. NO. 2765

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.

