
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 (ii) 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:



JAN 27 2015



H.B. NO. 1057

Report Title:

Felony 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.

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