
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 part I to be appropriately
3 designated and to read as follows:

4 "§706- Sentencing in offenses involving assault
5 committed in the presence of the victim's minor child. In
6 addition to the factors considered under section 706-606, the
7 court shall consider the following aggravating factors in
8 determining the particular sentence to be imposed:

9 (a) The defendant has been convicted of committing or
10 attempting to commit an offense under section 707-710
11 (assault in the first degree), 707-711 (assault in the
12 second degree), or 707-730 (sexual assault in the
13 first degree); and

14 (b) The offense contemporaneously occurred in the actual
15 physical presence of a minor child of the victim or
16 with the defendant's knowledge that a minor child of



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1 the victim was present and might hear or see the
2 offense."

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. New statutory material is underscored.

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

8

INTRODUCED BY:

Kal Rhoads

JAN 13 2016



H.B. NO. 1517

Report Title:

Criminal Sentencing; Assault Committed in the Presence of
Victim's Minor Child

Description:

Provides that the commission of certain offenses of assault in the presence of the victim's minor child is an aggravating factor in the sentencing of the defendant convicted of the offense.

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