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# A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1           SECTION 1. Section 706-606.4, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "~~§706-606.4 Sentencing in enumerated offenses [involving~~  
4 ~~abuse of a family or household member]~~ committed in the presence  
5 of a minor. (1) In addition to the factors considered under  
6 section 706-606, the court shall consider the following  
7 aggravating factors in determining the particular sentence to be  
8 imposed:

9           (a) The defendant has been convicted of committing or  
10 attempting to commit an offense [~~involving abuse of a~~  
11 ~~family or household member,~~

12 ~~(b) The defendant is or has been a family or household~~  
13 ~~member of either a minor referred to in paragraph (c)~~  
14 ~~or the victim of the offense]; and~~

15 [~~(e)~~] (b) The offense contemporaneously occurred in the  
16 presence of a minor.

17           (2) As used in this section:



1       ~~["Family or household member" has the same meaning as~~  
2 ~~defined in section 709-906.]~~

3        "In the presence of a minor" means in the actual physical  
4 presence of a child or knowing that a child is present and may  
5 hear or see the offense.

6        "Offense" means a violation of section 707-710 (assault in  
7 the first degree), 707-711 (assault in the second degree), 707-  
8 730 (sexual assault in the first degree), 707-731 (sexual  
9 assault in the second degree), 707-732 (sexual assault in the  
10 third degree), or 709-906 (abuse of family or household  
11 members)."

12       SECTION 2. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15       SECTION 3. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

17       SECTION 4. This Act shall take effect on January 7, 2059.



**Report Title:**

Criminal Sentencing; Certain Offenses Committed in the Presence of a Minor

**Description:**

Provides that the commission of certain offenses of assault, sexual assault, and abuse of a family or household member in the presence of a minor is an aggravating factor to be considered in the sentencing of the defendant convicted of the offense. Takes effect on 1/7/2059. (SD1)

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

