

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO UNAUTHORIZED ENTRY INTO MOTOR VEHICLE.

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

1           SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           " (1) Notwithstanding section 706-669 and any other law to  
4 the contrary, any person convicted of murder in the second  
5 degree, any class A felony, any class B felony, or any of the  
6 following class C felonies: section 134-7 relating to persons  
7 prohibited from owning, possessing, or controlling firearms or  
8 ammunition; section 134-8 relating to ownership, etc., of  
9 certain prohibited weapons; section 134-17 only as it relates to  
10 providing false information or evidence to obtain a [permit]  
11 license under section 134-9; section 188-23 relating to  
12 possession or use of explosives, electrofishing devices, and  
13 poisonous substances in state waters; section 386-98(d)(1)  
14 relating to fraud violations and penalties; section 431:2-  
15 403(b)(2) relating to insurance fraud; section 707-703 relating  
16 to negligent homicide in the second degree; section 707-711  
17 relating to assault in the second degree; section 707-713  
18 relating to reckless endangering in the first degree; section



1 707-716 relating to terroristic threatening in the first degree;  
2 section 707-721 relating to unlawful imprisonment in the first  
3 degree; section 707-732 relating to sexual assault in the third  
4 degree; section 707-752 relating to promoting child abuse in the  
5 third degree; section 707-757 relating to electronic enticement  
6 of a child in the second degree; section 707-766 relating to  
7 extortion in the second degree; section 708-811 relating to  
8 burglary in the second degree; section 708-821 relating to  
9 criminal property damage in the second degree; section 708-831  
10 relating to theft in the second degree; section 708-835.5  
11 relating to theft of livestock; section 708-836 relating to  
12 unauthorized control of propelled vehicle; section 708-836.5  
13 relating to unauthorized entry into motor vehicle in the first  
14 degree; section 708-839.55 relating to unauthorized possession  
15 of confidential personal information; section 708-839.8 relating  
16 to identity theft in the third degree; section 708-852 relating  
17 to forgery in the second degree; section 708-854 relating to  
18 criminal possession of a forgery device; section 708-875  
19 relating to trademark counterfeiting; section 710-1071 relating  
20 to intimidating a witness; section 711-1103 relating to riot;  
21 section 712-1221 relating to promoting gambling in the first  
22 degree; section 712-1224 relating to possession of gambling



1 records in the first degree; section 712-1243 relating to  
2 promoting a dangerous drug in the third degree; section 712-1247  
3 relating to promoting a detrimental drug in the first degree;  
4 section 846E-9 relating to failure to comply with covered  
5 offender registration requirements, or who is convicted of  
6 attempting to commit murder in the second degree, any class A  
7 felony, any class B felony, or any of the class C felony  
8 offenses enumerated above and who has a prior conviction or  
9 prior convictions for the following felonies, including an  
10 attempt to commit the same: murder, murder in the first or  
11 second degree, a class A felony, a class B felony, any of the  
12 class C felony offenses enumerated above, or any felony  
13 conviction of another jurisdiction, shall be sentenced to a  
14 mandatory minimum period of imprisonment without possibility of  
15 parole during such period as follows:

- 16 (a) One prior felony conviction:
- 17 (i) Where the instant conviction is for murder in the  
18 second degree or attempted murder in the second  
19 degree--ten years;
- 20 (ii) Where the instant conviction is for a class A  
21 felony--six years, eight months;



- 1           (iii) Where the instant conviction is for a class B  
2                 felony--three years, four months; and
- 3           (iv) Where the instant conviction is for a class C  
4                 felony offense enumerated above--one year, eight  
5                 months;
- 6       (b) Two prior felony convictions:
- 7           (i) Where the instant conviction is for murder in the  
8                 second degree or attempted murder in the second  
9                 degree--twenty years;
- 10          (ii) Where the instant conviction is for a class A  
11                 felony--thirteen years, four months;
- 12          (iii) Where the instant conviction is for a class B  
13                 felony--six years, eight months; and
- 14          (iv) Where the instant conviction is for a class C  
15                 felony offense enumerated above--three years,  
16                 four months;
- 17       (c) Three or more prior felony convictions:
- 18           (i) Where the instant conviction is for murder in the  
19                 second degree or attempted murder in the second  
20                 degree--thirty years;
- 21           (ii) Where the instant conviction is for a class A  
22                 felony--twenty years;



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1 (iii) Where the instant conviction is for a class B  
 2 felony--ten years; and

3 (iv) Where the instant conviction is for a class C  
 4 felony offense enumerated above--five years."

5 SECTION 2. This Act does not affect rights and duties that  
 6 matured, penalties that were incurred, and proceedings that were  
 7 begun before its effective date.

8 SECTION 3. Statutory material to be repealed is bracketed  
 9 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

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~~SEN. D.C. ...~~  
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# S.B. NO. 513

**Report Title:**

Repeat Offenders; Unauthorized Entry into Motor Vehicle

**Description:**

Requires a mandatory minimum sentencing period of imprisonment for any person who is convicted for and has a prior conviction or prior convictions for unauthorized entry into a motor vehicle in the first degree.

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

