

JAN 23 2015

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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. 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



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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:

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# S.B. NO. 928

**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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