
A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST VULNERABLE PERSONS.

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

1 SECTION 1. Section 706-620, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-620 Authority to withhold sentence of imprisonment.

4 A defendant who has been convicted of a crime may be sentenced
5 to a term of probation unless:

6 (1) The crime is first or second degree murder or
7 attempted first or second degree murder;

8 (2) The crime is a class A felony, except class A felonies
9 defined in chapter 712, part IV, and by section
10 707-702;

11 (3) The defendant is a repeat offender under section
12 706-606.5;

13 (4) The defendant is a felony firearm offender as defined
14 in section 706-660.1(2);

15 (5) The crime involved the death of or the infliction of
16 serious or substantial bodily injury upon a child, an



1 elder person, a pregnant woman, or a handicapped
2 person under section 706-660.2; or

3 (6) The crime is cruelty to animals where ten or more pet
4 animals were involved under section 711-1108.5 or
5 711-1109."

6 SECTION 2. Section 706-660.2, Hawaii Revised Statutes, is
7 amended by amending its title and subsection (1) to read as
8 follows:

9 "§706-660.2 Sentence of imprisonment for offenses against
10 children, elder persons, pregnant women, or handicapped persons.

11 (1) Notwithstanding section 706-669, if not subjected to an
12 extended term of imprisonment pursuant to section 706-662, a
13 person shall be sentenced to a mandatory minimum term of
14 imprisonment without possibility of parole as provided in
15 subsection (2) if:

16 (a) The person, in the course of committing or attempting
17 to commit a felony, causes the death of, or inflicts
18 serious or substantial bodily injury upon another
19 person who is:

20 (i) Sixty years of age or older;

21 (ii) Blind, a paraplegic, or a quadriplegic; [ø]



- 1 (iii) Eight years of age or younger; [~~and~~] or
- 2 (iv) Pregnant; provided that this section shall not
- 3 apply to legal abortions performed by healthcare
- 4 workers and abortions performed by pregnant women
- 5 on themselves; and

6 (b) Such [~~disability~~] status is known or reasonably should
7 be known to the defendant."

8 SECTION 3. Section 706-662, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§706-662 Criteria for extended terms of imprisonment. A**
11 defendant who has been convicted of a felony may be subject to
12 an extended term of imprisonment under section 706-661 if it is
13 proven beyond a reasonable doubt that an extended term of
14 imprisonment is necessary for the protection of the public and
15 that the convicted defendant satisfies one or more of the
16 following criteria:

17 (1) The defendant is a persistent offender in that the
18 defendant has previously been convicted of two or more
19 felonies committed at different times when the
20 defendant was eighteen years of age or older;

21 (2) The defendant is a professional criminal in that:



- 1 (a) The circumstances of the crime show that the
2 defendant has knowingly engaged in criminal
3 activity as a major source of livelihood; or
4 (b) The defendant has substantial income or resources
5 not explained to be derived from a source other
6 than criminal activity;
- 7 (3) The defendant is a dangerous person in that the
8 defendant has been subjected to a psychiatric or
9 psychological evaluation that documents a significant
10 history of dangerousness to others resulting in
11 criminally violent conduct, and this history makes the
12 defendant a serious danger to others. Nothing in this
13 section precludes the introduction of victim-related
14 data to establish dangerousness in accord with the
15 Hawaii rules of evidence;
- 16 (4) The defendant is a multiple offender in that:
17 (a) The defendant is being sentenced for two or more
18 felonies or is already under sentence of
19 imprisonment for any felony; or
20 (b) The maximum terms of imprisonment authorized for
21 each of the defendant's crimes, if made to run



1 consecutively, would equal or exceed in length
 2 the maximum of the extended term imposed or would
 3 equal or exceed forty years if the extended term
 4 imposed is for a class A felony;

5 (5) The defendant is an offender against [~~the~~] an
 6 elderly[~~7~~] or handicapped[~~7~~] person, a pregnant woman,
 7 or a minor eight years of age or younger in that:

8 (a) The defendant attempts or commits any of the
 9 following crimes: murder, manslaughter, a sexual
 10 offense that constitutes a felony under chapter
 11 707, robbery, felonious assault, burglary, or
 12 kidnapping; and

13 (b) The defendant, in the course of committing or
 14 attempting to commit the crime, causes the death
 15 of, or inflicts serious or substantial bodily
 16 injury upon, a person who has the status of
 17 being:

- 18 (i) Sixty years of age or older;
- 19 (ii) Blind, a paraplegic, or a quadriplegic; [~~or~~]
- 20 (iii) Pregnant; provided that this section shall
 21 not apply to legal abortions performed by



1 healthcare workers and abortions performed
2 by pregnant women on themselves; or
3 [~~iii~~] (iv) Eight years of age or younger; and
4 the person's status is known or reasonably should
5 be known to the defendant;
6 (6) The defendant is a hate crime offender in that:
7 (a) The defendant [~~is~~] has been convicted of a crime
8 under chapter 707, 708, or 711; and
9 (b) The defendant intentionally selected a victim or,
10 in the case of a property crime, the property
11 that was the object of a crime, because of
12 hostility toward the actual or perceived race,
13 religion, disability, ethnicity, national origin,
14 gender identity or expression, or sexual
15 orientation of any person. For purposes of this
16 subsection, "gender identity or expression"
17 includes a person's actual or perceived gender,
18 as well as a person's gender identity, gender-
19 related self-image, gender-related appearance, or
20 gender-related expression, regardless of whether
21 that gender identity, gender-related self-image,



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1 gender-related appearance, or gender-related
2 expression is different from that traditionally
3 associated with the person's sex at birth; or

4 (7) The defendant is convicted under section 707-702.5 and
5 the defendant did not remain at the scene of the crime
6 and render reasonable assistance to an injured person,
7 including acts and omissions in violation of section
8 291C-12."

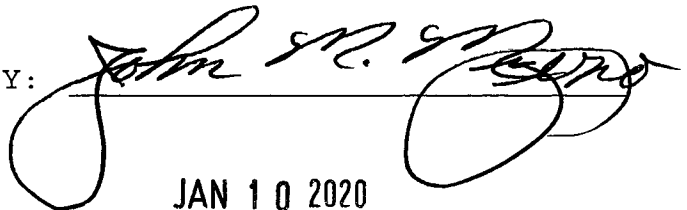
9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 6. This Act shall take effect upon its approval.

15

INTRODUCED BY:



JAN 10 2020



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Report Title:

Sentences for Injuries to Pregnant Women; Extended and Mandatory Minimum Terms of Imprisonment

Description:

Adds the acts of killing or inflicting serious or substantial bodily injury upon a pregnant woman in the course of committing or attempting to commit a felony, to the offenses for which a person is subject to an extended or mandatory minimum term of imprisonment.

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

