
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- Enhanced sentencing of habitual violent felons.

5 (1) Notwithstanding any other provision of law to the contrary,
6 a habitual violent felon shall be sentenced to both:

7 (a) A mandatory minimum term of imprisonment of not less
8 than thirty years; and

9 (b) A mandatory indeterminate term of life imprisonment.

10 (2) A habitual violent felon shall not be eligible for
11 parole before serving the mandatory minimum term under
12 subsection (1)(a) or (b), as applicable.

13 (3) Except for work furlough programs in the final year of
14 a sentence that require incarceration during the time the inmate
15 is not working or traveling to or from work, a habitual violent
16 felon shall not be eligible for pre-release, furlough, or other



1 modified terms of imprisonment without the written authorization
2 of the governor, which authorization shall not be delegable.

3 (4) A defendant is a habitual violent felon if:

4 (a) The defendant is at least eighteen years old at the
5 time the defendant committed the current offense;

6 (b) The current conviction is for murder in the second
7 degree or any class A or class B felony that is a
8 crime of violence;

9 (c) The defendant has at least two prior and separate
10 felony convictions for:

11 (i) Murder in any degree;

12 (ii) Any class A felony or class B felony that is a
13 crime of violence; or

14 (iii) Any federal offense that is comparable to a crime
15 of violence as defined in subsection (6), or any
16 federal or out-of-state offense that under the
17 laws of this State would be a crime of violence
18 as defined in subsection (6); and

19 (d) Either the current conviction or at least one of the
20 prior and separate convictions is for an offense other
21 than burglary in the first degree.



1 (5) This section shall apply only if the prosecuting
2 attorney brings before the court a motion to sentence under this
3 section that allows the court to advise the defendant of the
4 defendant's eligibility for sentencing under this section prior
5 to the entry of a verdict of guilty, whether by trial, plea of
6 guilty, or plea of no contest. The motion shall set forth the
7 date and jurisdiction of occurrence of each prior conviction
8 required under subsection (4)(c) and shall specify whether the
9 defendant is subject to the following:

10 (a) Sentencing of repeat offenders under section 706-
11 606.5;

12 (b) Repeat violent and sexual offender; enhanced sentence
13 under section 706-606.6;

14 (c) Enhanced sentence for second degree murder under
15 section 706-657; or

16 (d) Extended terms of imprisonment under section 706-661.

17 (6) For the purposes of this section, "crime of violence"

18 means:

19 (a) Murder in any degree;

20 (b) Manslaughter;

21 (c) Assault in the first degree;



- 1 (d) Kidnapping;
- 2 (e) Sexual assault in the first degree;
- 3 (f) Sexual assault in the second degree;
- 4 (g) Continuous sexual assault of a minor under the age of
5 fourteen years;
- 6 (h) Robbery in the first degree;
- 7 (i) Robbery in the second degree; and
- 8 (j) Burglary in the first degree."

9 SECTION 2. 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 3. New statutory material is underscored.

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

14

INTRODUCED BY: 

JAN 14 2020



H.B. NO. (681

Report Title:

Sentencing; Habitual Violent Felons; Imprisonment; Penalties

Description:

Enhances the term of imprisonment for habitual violent felons.
Defines "habitual violent felon."

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