
A BILL FOR AN ACT

RELATING TO CRIMINAL PENALTIES.

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

1 SECTION 1. The Hawaii State Planning Act, chapter 226,
2 Hawaii Revised Statutes, sets forth the State's objectives and
3 policies. Pursuant to section 226-24, Hawaii Revised Statutes,
4 it is the policy of the State, in part, to protect individuals
5 from criminal acts and alleviate the consequences of criminal
6 acts in order to foster a safe and secure environment. To
7 achieve this policy, section 226-26, Hawaii Revised Statutes,
8 establishes the following objectives:

- 9 (1) Ensuring that public safety programs are effective and
10 responsive to community needs; and
11 (2) With respect to criminal justice, supporting criminal
12 justice programs aimed at preventing and curtailing
13 criminal activities.

14 The legislature finds that increasing the penalties for
15 offenses against the person and property rights would help deter
16 heinous acts, including the number of violent acts that have
17 recently been reported. For example, in December 2019, a



1 seventy-five-year old woman was severely injured when a group of
2 men drove up to her, stole her purse, and fled. The woman was
3 walking to church that early Sunday morning when she was
4 attacked and dragged across the pavement, still tangled in her
5 purse strap. The offenders left her injured and lying in the
6 roadway.

7 Other recent vicious offenses have been reported to the
8 police, including a midnight robbery and carjacking of a cab
9 driver in Makiki on the island of Oahu and a man in Waikiki who
10 was found barely conscious and bleeding profusely from the head
11 after being beaten by a man who got away with his fanny pack.

12 The purpose of this Act is to increase the penalties for
13 the offenses of assault, burglary, criminal property damage, and
14 theft by one grade.

15 SECTION 2. Section 707-710, Hawaii Revised Statutes, is
16 amended by amending subsection (2) to read as follows:

17 "(2) Assault in the first degree is a class [B] A felony."

18 SECTION 3. Section 707-711, Hawaii Revised Statutes, is
19 amended by amending subsection (2) to read as follows:

20 "(2) Assault in the second degree is a class [C] B
21 felony."



H.B. NO. 2109

1 SECTION 4. Section 707-712, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) Assault in the third degree is a [~~misdemeanor~~] class
4 C felony unless committed in a fight or scuffle entered into by
5 mutual consent, in which case it is a [~~petty~~] misdemeanor."

6 SECTION 5. Section 708-810, Hawaii Revised Statutes, is
7 amended by amending subsection (3) to read as follows:

8 "(3) Burglary in the first degree is a class [B] A
9 felony."

10 SECTION 6. Section 708-811, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Burglary in the second degree is a class [C] B
13 felony."

14 SECTION 7. Section 708-820, Hawaii Revised Statutes, is
15 amended by amending subsection (2) to read as follows:

16 "(2) Criminal property damage in the first degree is a
17 class [B] A felony."

18 SECTION 8. Section 708-821, Hawaii Revised Statutes, is
19 amended by amending subsection (2) to read as follows:

20 "(2) Criminal property damage in the second degree is a
21 class [C] B felony."



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1 SECTION 9. Section 708-822, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) Criminal property damage in the third degree is a
4 [~~misdemeanor.~~] class C felony. "

5 SECTION 10. Section 708-823.5, Hawaii Revised Statutes, is
6 amended by amending subsection (3) to read as follows:

7 "(3) Aggravated criminal property damage is a
8 [~~misdemeanor.~~] class C felony."

9 SECTION 11. Section 708-830.5, Hawaii Revised Statutes, is
10 amended by amending subsection (2) to read as follows:

11 "(2) Theft in the first degree is a class [B] A felony."

12 SECTION 12. Section 708-831, Hawaii Revised Statutes, is
13 amended by amending subsection (2) to read as follows:

14 "(2) Theft in the second degree is a class [C] B felony.

15 A person convicted of committing the offense of theft in the
16 second degree under [+]subsection (1) [+] (c) and (d) shall be
17 sentenced in accordance with chapter 706, except that for the
18 first offense, the court may impose a minimum sentence of a fine
19 of at least \$1,000 or two-fold damages sustained by the victim,
20 whichever is greater."



H.B. NO. 2109

1 SECTION 13. Section 708-832, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) Theft in the third degree is a [~~misdemeanor.~~] class C
4 felony."

5 SECTION 14. This Act does not affect rights and duties
6 that matured, penalties that were incurred, and proceedings that
7 were begun before its effective date.

8 SECTION 15. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 16. This Act shall take effect upon its approval.

11

INTRODUCED BY:

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H.B. NO. 2109

Report Title:

Penalties; Assault; Burglary; Criminal Property Damage; Theft

Description:

Increases certain penalties for the crimes of assault, burglary, criminal property damage, and theft by one grade.

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