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A BILL FOR AN ACT

RELATING TO MANSLAUGHTER.

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

1 SECTION 1. Section 707-702, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of manslaughter if:

4 (a) The person recklessly causes the death of another  
5 person; ~~or~~

6 (b) The person intentionally causes another person to  
7 commit suicide; or

8 (c) The person knowingly distributes a dangerous drug in  
9 any amount and another person dies as a result of  
10 ingesting that drug. It shall not be a defense to  
11 prosecution under this section that the decedent  
12 contributed to the decedent's own death or serious  
13 bodily injury by voluntary or involuntary ingestion of  
14 the drug. A person who commits this offense shall be  
15 held strictly liable for causing such a result.

16 "Dangerous drug" shall have the same meaning as that  
17 under section 712-1240. "Distributes" shall have the

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1           same meaning as "to distribute" under section 712-  
2           1240; provided that this section shall not apply to  
3           actions taken under chapter 327L."

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

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 Statutory material to be repealed is bracketed  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

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

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INTRODUCED BY:                     *Sam*                    

BY REQUEST

**Report Title:**

Relating to Manslaughter

**Description:**

Amends section 707-702(1), Hawaii Revised Statutes, to authorize manslaughter prosecutions for dangerous drug distribution that results in overdose deaths.

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

## JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO  
MANSLAUGHTER.

PURPOSE: To authorize manslaughter prosecution  
for drug distribution that results in  
overdose deaths.

MEANS: Amend section 707-702(1), Hawaii  
Revised Statutes.

JUSTIFICATION: The opioid epidemic (addiction,  
overdose, and death resulting from  
prescription pain meds, heroin,  
fentanyl, etc.) crippling the nation is  
starting to reach Hawaii. Currently, a  
drug dealer cannot be held responsible  
for causing the death of the end user,  
as this situation does not fall within  
Hawaii's statutory framework for  
homicide. However, approximately 21  
other states already have similar a law  
in place, as does the federal  
government.

Impact on the public: This bill is  
responsive to the opioid epidemic but  
will cover all dangerous drugs. Victims  
and their families will have better  
access to justice in these specific  
situations. Enhanced criminal penalties  
for drug distribution will improve  
public safety.

Impact on the department and other  
agencies: This bill will give law  
enforcement another tool in the fight  
against the opioid epidemic and other  
dangerous drugs. County prosecutors  
will be the primary agencies affected.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM  
DESIGNATION: None.

OTHER AFFECTED  
AGENCIES: County prosecuting attorneys.

EFFECTIVE DATE: Upon approval.