

JAN 24 2019

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 Statutory material to be repealed is bracketed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: *Neil D. V.M.*
BY REQUEST

~~S.B. NO. 1178~~

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.