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# A BILL FOR AN ACT

RELATING TO GOVERNMENT.

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

1 SECTION 1. Section 710-1072.5, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§710-1072.5 Obstruction of justice. (1) A person  
4 commits the offense of obstruction of justice if the person  
5 intentionally [~~engages in the following conduct~~]:

6 (a) When called as a witness and having been granted  
7 immunity pursuant to chapters 480 and 621C, before or  
8 after having been qualified as a witness, [~~shall~~  
9 ~~refuse~~] refuses to testify or be qualified as a  
10 witness when duly directed to testify or be qualified  
11 as a witness[-]; or

12 (b) Influences; obstructs; impedes; or endeavors to  
13 influence, obstruct, or impede, the due administration  
14 of justice by means of force, threat of force,  
15 coercion, fraud, or deception.

16 (2) Obstruction of justice is a class C felony[-];  
17 provided that if the person engaged in activity under paragraph



1 (1)(b) it is a class B felony. A person charged under paragraph  
2 (1)(b), notwithstanding any law to the contrary, shall not be  
3 eligible for a deferred acceptance of guilty plea or nolo  
4 contendere plea under chapter 853."

5 SECTION 2. Section 853-4, Hawaii Revised Statutes, is  
6 amended by amending subsection (a) to read as follows:

7 "(a) This chapter shall not apply when:

8 (1) The offense charged involves the intentional, knowing,  
9 reckless, or negligent killing of another person;

10 (2) The offense charged is:

11 (A) A felony that involves the intentional, knowing,  
12 or reckless bodily injury, substantial bodily  
13 injury, or serious bodily injury of another  
14 person; or

15 (B) A misdemeanor or petty misdemeanor that carries a  
16 mandatory minimum sentence and that involves the  
17 intentional, knowing, or reckless bodily injury,  
18 substantial bodily injury, or serious bodily  
19 injury of another person;



1 provided that the prohibition in this paragraph shall  
2 not apply to offenses described in section  
3 709-906(18);

4 (3) The offense charged involves a conspiracy or  
5 solicitation to intentionally, knowingly, or  
6 recklessly kill another person or to cause serious  
7 bodily injury to another person;

8 (4) The offense charged is a class A felony;

9 (5) The offense charged is nonprobationable;

10 (6) The defendant has been convicted of any offense  
11 defined as a felony by the Hawaii Penal Code or has  
12 been convicted for any conduct that if perpetrated in  
13 this State would be punishable as a felony;

14 (7) The defendant is found to be a law violator or  
15 delinquent child for the commission of any offense  
16 defined as a felony by the Hawaii Penal Code or for  
17 any conduct that if perpetrated in this State would  
18 constitute a felony;

19 (8) The defendant has a prior conviction for a felony  
20 committed in any state, federal, or foreign  
21 jurisdiction;



- 1           (9) A firearm was used in the commission of the offense
- 2                    charged;
- 3           (10) The defendant is charged with the distribution of a
- 4                    dangerous, harmful, or detrimental drug to a minor;
- 5           (11) The defendant has been charged with a felony offense
- 6                    and has been previously granted deferred acceptance of
- 7                    guilty plea or no contest plea for a prior offense,
- 8                    regardless of whether the period of deferral has
- 9                    already expired;
- 10          (12) The defendant has been charged with a misdemeanor
- 11                    offense and has been previously granted deferred
- 12                    acceptance of guilty plea or no contest plea for a
- 13                    prior felony, misdemeanor, or petty misdemeanor for
- 14                    which the period of deferral has not yet expired;
- 15          (13) The offense charged is:
- 16                    (A) Habitually operating a vehicle under the
- 17                    influence of an intoxicant under section
- 18                    291E-61.5(a);
- 19                    (B) A violation of an order issued pursuant to
- 20                    chapter 586;



- 1            (C) Sexual assault in the second degree under section
- 2                            707-731;
- 3            (D) Sexual assault in the third degree under section
- 4                            707-732;
- 5            (E) Promoting child abuse in the second degree under
- 6                            section 707-751;
- 7            (F) Promoting child abuse in the third degree under
- 8                            section 707-752;
- 9            (G) Electronic enticement of a child in the first
- 10                           degree under section 707-756;
- 11           (H) Electronic enticement of a child in the second
- 12                           degree under section 707-757;
- 13           (I) Abuse of family or household member except as
- 14                           provided in paragraph (2) and section
- 15                           709-906(18);
- 16           [~~A~~] (J) Escape in the first degree[+] under section
- 17                           710-1020;
- 18           [~~B~~] (K) Escape in the second degree[+] under section
- 19                           710-1021;
- 20           [~~C~~] (L) Promoting prison contraband in the first
- 21                           degree[+] under section 710-1022;





- 1            (Y)    Commercial sexual exploitation under section
- 2                    712-1200.5;
- 3        ~~[(M)]~~ (Z)    Promoting prostitution~~[,]~~ under section 712-1203;
- 4        ~~[(N)]~~    ~~Abuse of family or household member except as~~
- 5                    ~~provided in paragraph (2) and section 709-~~
- 6                    ~~906(18);~~
- 7        ~~(O)~~    ~~Sexual assault in the second degree;~~
- 8        ~~(P)~~    ~~Sexual assault in the third degree;~~
- 9        ~~(Q)~~    ~~A violation of an order issued pursuant to~~
- 10                   ~~chapter 586;~~
- 11        ~~(R)~~    ~~Promoting child abuse in the second degree;~~
- 12        ~~(S)~~    ~~Promoting child abuse in the third degree;~~
- 13        ~~(T)~~    ~~Electronic enticement of a child in the first~~
- 14                   ~~degree;~~
- 15        ~~(U)~~    ~~Electronic enticement of a child in the second~~
- 16                   ~~degree;~~
- 17        ~~(V)~~    ~~Commercial sexual exploitation pursuant to~~
- 18                   ~~section 712-1200.5;~~
- 19        ~~(W)]~~ (AA)    Street prostitution and commercial sexual
- 20                    exploitation under section 712-1207(1)(b) or
- 21                    (2)(b);







1 intent to circumvent the law or deceive the  
2 campaign spending commission; or

3 (B) Violating section 11-352 or 11-353; or

4 (15) The defendant holds a commercial driver's license and  
5 has been charged with violating a traffic control law,  
6 other than a parking law, in connection with the  
7 operation of any type of motor vehicle."

8 SECTION 3. This Act does not affect rights and duties that  
9 matured, penalties that were incurred, and proceedings that were  
10 begun before its effective date.

11 SECTION 4. Statutory material to be repealed is bracketed  
12 and stricken. New statutory material is underscored.

13 SECTION 5. This Act shall take effect upon on March 22,  
14 2075; provided that the amendments made to section 853-4, Hawaii  
15 Revised Statutes, by section 2 of this Act shall not be repealed  
16 when that section is reenacted on June 30, 2026, pursuant to  
17 section 15 of Act 19, Session Laws of Hawaii 2020.



**Report Title:**

Commission to Improve Standards of Conduct; Penal Code;  
Government; Obstruction of Justice

**Description:**

Provides that a person commits the offense of obstruction of justice if the person intentionally influences; obstructs; impedes; or endeavors to influence, obstruct, or impede, the due administration of justice by means of force, threat of force, coercion, fraud, or deception. Takes effect 3/22/2075. (SD2)

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