
A BILL FOR AN ACT

RELATING TO FIRST-DEGREE MURDER DEFINITION.

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

1 SECTION 1. The legislature finds that the felony murder
2 rule (which allows a defendant to be charged with first-degree
3 murder for a killing that occurs during a dangerous felony, even
4 if the defendant is not the killer) is law in four-four states,
5 Washington, DC, and under federal law. As recent court cases
6 have shown, our judicial system is hampered in charging violent
7 criminals because we do not have this law in our statutes.

8 This Act will allow criminals that commit murder while
9 committing a dangerous felony to be charged with first-degree
10 murder.

11 SECTION 2. Section 707-701, Hawaii Revised Statutes, is
12 amended to read as follows:

"PART II. CRIMINAL HOMICIDE

13 **§707-701 Murder in the first degree.** (1) A person
14 commits the offense of murder in the first degree if the person
15 intentionally or knowingly causes the death of:
16

17 (a) More than one person in the same or separate incident;



- 1 (b) A law enforcement officer, judge, or prosecutor
- 2 arising out of the performance of official duties;
- 3 (c) A person known by the defendant to be a witness in a
- 4 criminal prosecution and the killing is related to the
- 5 person's status as a witness;
- 6 (d) A person by a hired killer, in which event both the
- 7 person hired and the person responsible for hiring the
- 8 killer shall be punished under this section;
- 9 (e) A person while the defendant was imprisoned;
- 10 (f) A person from whom the defendant has been restrained,
- 11 by order of any court, including an ex parte order,
- 12 from contacting, threatening, or physically abusing
- 13 pursuant to chapter 586;
- 14 (g) A person who is being protected by a police officer
- 15 ordering the defendant to leave the premises of that
- 16 protected person pursuant to section 709-906(4),
- 17 during the effective period of that order;
- 18 (h) A person known by the defendant to be a witness in a
- 19 family court proceeding and the killing is related to
- 20 the person's status as a witness; or
- 21 (i) A person whom the defendant restrained with intent to:




- 1 (i) Hold the person for ransom or reward;
- 2 (ii) Use the person as a shield or hostage;
- 3 (j) A person while committing a felony.
- 4 (2) Murder in the first degree is a felony for which the
- 5 defendant shall be sentenced to imprisonment as provided in
- 6 section 706-656."

7 SECTION 3. New statutory material is underscored.

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

9

INTRODUCED BY: 
JAN 24 2023



H.B. NO. 1120

Report Title:

Felony Murder Rule; First-Degree Murder

Description:

Allow a criminal charged with a felony to also be charged with first-degree murder if a murder was committed during a volent felony by any of the felony perpetrators.

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