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## A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

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

- 1           SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is  
2 amended by amending subsection (5) to read as follows:
- 3           "(5) Notwithstanding any other law to the contrary, any  
4 person convicted of any of the following [~~misdemeanor~~] offenses:
- 5           (a) Section 707-712 relating to assault in the third  
6           degree;
  - 7           (b) Section 707-717 relating to terroristic threatening in  
8           the second degree;
  - 9           (c) Section 707-733 relating to sexual assault in the  
10           fourth degree;
  - 11           (d) Section 708-822 relating to criminal property damage  
12           in the third degree;
  - 13           (e) Section 708-832 relating to theft in the third degree;  
14           and
  - 15           (f) Section 708-833.5(2) relating to misdemeanor  
16           shoplifting,



1 and who has been convicted of any of the offenses enumerated  
2 above on at least three prior and separate occasions within  
3 three years of the date of the commission of the present  
4 offense, shall be sentenced to no less than nine months of  
5 imprisonment. Whenever a court sentences a defendant under this  
6 subsection for an offense under section 707-733, the court shall  
7 order the defendant to participate in a sex offender assessment  
8 and, if recommended based on the assessment, participate in the  
9 sex offender treatment program established by chapter 353E."

10 SECTION 2. Section 707-733, Hawaii Revised Statutes, is  
11 amended by amending subsection (2) to read as follows:

12 "(2) Sexual assault in the fourth degree is a  
13 [~~misdemeanor.~~] class C felony."

14 SECTION 3. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17 SECTION 4. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.



# H.B. NO. 868

1 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY: *Kamani Selig*

JAN 23 2023



# H.B. NO. 868

**Report Title:**

Sexual Assault; Felony; Sentencing

**Description:**

Makes sexual assault in the fourth degree a class C felony.

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

