



GOV. MSG. NO. 1314

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 5, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 5, 2024, the following bill was signed into law:

SB2347 HD1 CD1

RELATING TO CRIME.
ACT 213

Sincerely,

Josh Green, M.D.
Governor, State of Hawai'i

on JUL 5 2024

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2347
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. The legislature finds that although many people
2 from all socioeconomic groups break laws, only a few become
3 persistent offenders who habitually commit crimes, including
4 crimes of a violent nature. A pattern of convictions for
5 violent behavior correlates to a likelihood of similar repeat
6 offenses in the future. Therefore, repeat violent offenders
7 pose a danger to the community. Legislatures have enacted laws
8 to allow prosecutors to charge offenders with repeat violent
9 convictions, as a felony, if the offenders commit the same or
10 similar offense within a given timeframe. In Hawaii, for
11 example, the third or any subsequent offense of abuse of a
12 family or household member would result in the charging of a
13 class C felony, and the offense of habitual property crime is a
14 class C felony for persons who, within ten years of the instant
15 offense, have multiple property crime convictions.

16 Accordingly, the purpose of this Act is to establish the
17 offense of habitual violent crime, to allow the prosecution to
18 charge a person who, within five years of the instant offense,



1 had been convicted of three or more violent misdemeanors or
2 felonies, with a class C felony.

3 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§707- Habitual violent crime. (1) A person commits
7 the offense of habitual violent crime if the person is a
8 habitual violent crime perpetrator and commits:

9 (a) Assault in the third degree under section 707-712 that
10 is categorized as a misdemeanor;

11 (b) Assault against a law enforcement officer in the
12 second degree under section 707-712.6;

13 (c) Sexual assault in the fourth degree under section
14 707-733; or

15 (d) Abuse of a family or household member under section
16 709-906(1).

17 (2) For the purposes of this section, "habitual violent
18 crime perpetrator" means a person who, within five years of the
19 instant offense, has convictions for any combination of three or
20 more of the following offenses set forth in sections 707-710,
21 707-711, 707-712, 707-712.5, 707-712.6, 707-730, 707-731, 707-



1 732, 707-733, and 709-906; provided that the convictions were
2 not for offenses categorized as petty misdemeanors. The
3 convictions shall be for separate incidents on separate dates.
4 The prosecution shall not be required to prove any state of mind
5 with respect to the person's status as a habitual violent crime
6 perpetrator. Proof that the person has the requisite minimum
7 prior convictions shall be sufficient to establish this element.

8 (3) Habitual violent misdemeanor crime is a class C
9 felony.

10 (4) For a conviction under this section, the sentence
11 shall be either:

12 (a) An indeterminate term of imprisonment of five years;
13 provided that the minimum term of imprisonment shall
14 be no less than one year; or

15 (b) A term of probation of five years, with conditions to
16 include but not be limited to one year of
17 imprisonment; provided that probation shall only be
18 available for a first conviction under this section."

19 SECTION 3. (a) The department of the attorney general
20 shall submit an annual report to the legislature no later than
21 twenty days prior to the convening of the regular sessions of



1 2025 and 2026 that includes the number of convictions under
2 section 707- , Hawaii Revised Statutes, as added by section 2
3 of this Act.

4 (b) No later than December 1 of 2024 and 2025, the
5 prosecuting attorney of each county shall provide the department
6 of the attorney general with the data to enable the department
7 to complete the report under subsection (a).

8 SECTION 4. 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 5. New statutory material is underscored.

12 SECTION 6. This Act shall take effect upon its approval,
13 and shall be repealed on June 30, 2027.



S.B. NO. 2347
H.D. 1
C.D. 1

APPROVED this **5th** day of **July**, 2024

A handwritten signature in black ink, appearing to read "Josh Green". The signature is fluid and cursive, with a large loop at the beginning and a long horizontal stroke at the end.

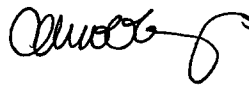
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2347, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives