

JAN 19 2024

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 conviction for
5 intentional, habitual violent behavior correlates to a
6 likelihood of similar repeat offenses in the future. Therefore,
7 repeat violent offenders pose a danger to the community. Other
8 legislatures have enacted laws to allow prosecutors to charge
9 offenders with repeat misdemeanor convictions of the same or
10 similar offense within a given timeframe with a felony. 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 misdemeanor crime to allow the



1 prosecution to charge a person who is convicted of three or more
2 violent misdemeanors within five years 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 misdemeanor crime. (1) A
7 person commits the offense of habitual violent misdemeanor crime
8 if the person is a habitual violent misdemeanor offender and
9 commits:

10 (a) Assault in the third degree under section 707-712;

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

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

15 (2) For the purposes of this section, "habitual violent
16 misdemeanor offender" means a person who, within five years of
17 the instant offense, has any combination of three or more
18 convictions for any of the offenses listed in subsection (1).

19 The convictions shall be for separate incidents on separate
20 dates. The prosecution shall not be required to prove any state
21 of mind with respect to the person's status as a habitual



1 violent misdemeanor offender. Proof that the person has the
2 requisite minimum prior convictions shall be sufficient to
3 establish this element.

4 (3) Habitual violent misdemeanor crime is a class C
5 felony."

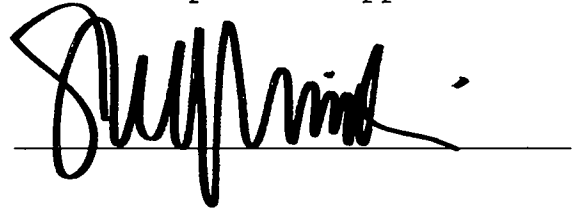
6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. New statutory material is underscored.

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

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INTRODUCED BY:

A handwritten signature in black ink, written over a horizontal line. The signature is stylized and appears to be 'S. M. ...'.

S.B. NO. 2347

Report Title:

Habitual Crime; Violent Misdemeanors; Criminal Law

Description:

Establishes the offense of habitual violent misdemeanor crime.

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

