

JAN 19 2024

A BILL FOR AN ACT

RELATING TO CHILD ENDANGERMENT.

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

1 SECTION 1. Chapter 709, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§709- Habitual runaway. (1) A person commits the
5 offense of habitual runaway if the person is a habitual runaway
6 perpetrator and is provided informal adjustment pursuant to
7 section 571-31.5 for a status offense under section
8 571-11(2) (B).

9 (2) For the purposes of this section, "habitual runaway
10 perpetrator" means a person who is less than eighteen years of
11 age and more than twelve years of age and, within one year of
12 the instant offense, has been provided informal adjustments two
13 or more times pursuant to section 571-31.5 for a status offense
14 under section 571-11(2) (B). The prosecution shall not be
15 required to prove any state of mind with respect to the person's
16 status as a habitual runaway perpetrator. Proof that the person



1 has the requisite minimum prior informal adjustments shall be
2 sufficient to establish this element.

3 (3) Habitual runaway is:

4 (a) A petty misdemeanor if the defendant, within one year
5 of the instant offense, has two informal adjustments
6 pursuant to section 571-31.5 for a status offense
7 under section 571-11(2) (B); or

8 (b) A misdemeanor if the defendant, within one year of the
9 instant offense, has more than two informal
10 adjustments pursuant to section 571-31.5 for a status
11 offense under section 571-11(2) (B).

12 (4) A person convicted of committing the offense of
13 habitual runaway under subsection (3)(a) shall be sentenced to
14 thirty days probation and shall be subject to a physical or
15 mental examination by a physician, surgeon, psychiatrist, or
16 psychologist within thirty days of the conviction.

17 (5) A person convicted of committing the offense of
18 habitual runaway under subsection (3)(b) shall be:

19 (a) Sentenced to one year probation;

20 (b) Sentenced to not less than ten days imprisonment but
21 not more than thirty days imprisonment;



1 (c) Subject to a physical or mental examination by a
2 physician, surgeon, psychiatrist, or psychologist
3 within thirty days of the conviction; and

4 (d) Subject to mandatory drug testing every two weeks for
5 the duration of the defendant's probation.

6 (6) Upon any violation of any term or condition of the
7 defendant's probation, the court, after hearing, shall sentence
8 the defendant to not less than ten days imprisonment."

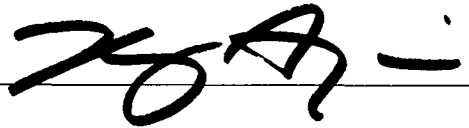
9 SECTION 2. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 3. New statutory material is underscored.

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

14

INTRODUCED BY:

A handwritten signature in black ink, appearing to be 'ZGA', written over a horizontal line.



S.B. NO. 2612

Report Title:

Habitual Runaway; Minors; Status Offense; Criminal Law

Description:

Establishes the offense of habitual runaway.

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

