

ACT 48

A Bill for an Act Relating to Negligent Homicide and Amending Section 291-10 of the Revised Laws of Hawaii 1955.

Be it Enacted by the Legislature of the State of Hawaii:

SECTION 1. This Act is hereby declared to be an urgency measure deemed necessary in the public interest within the meaning of section 11 of Article III of the Constitution of the State of Hawaii.

The following is a statement of the facts constituting such urgency:

At present the crime of negligent homicide is treated as a felony with the penalty of imprisonment at hard labor for not more than five years. This is a harsh penalty for a person who through simple negligence causes death. Further, this penalty has not proven to be a significant deterrent to careless, reckless or negligent driving. The remedy to this problem is to treat negligent homicide due to gross negligence as a felony and negligent homicide due to simple negligence as a misdemeanor. The trend on the mainland is to treat these cases in such fashion.

SECTION 2. Section 291-10 of the Revised Laws of Hawaii 1955, is hereby amended to read as follows:

"Sec. 291-10. Negligent homicide: degrees; Penalties. (a) Every person who by the operation of any vehicle in a grossly negligent manner causes the death of another, shall be guilty of the crime of negligent homicide in the first degree and shall be imprisoned at hard labor not more than five years.

(b) Every person who by the operation of any vehicle in a negligent manner causes the death of another, shall be guilty of the crime of negligent homicide in the second degree and shall be fined not more than \$1,000.00, imprisoned not more than one year, or both."

SECTION 3. This Act shall apply to all cases of negligent homicide pending or to be tried before the circuit courts of the State of Hawaii.

SECTION 4. If any section, paragraph or part of this Act is declared invalid for any reason, such invalidity shall not affect the validity of the remaining sections and parts of this Act.

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

(Approved April 30, 1964.) **H.B. 533.**
