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H.B. NO. 2258-80

A Bill for an Act Relating to Suspension of Sentence and Probation.

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

SECTION 1. Section 706-627, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

“(3) In the event the court, following hearing, refuses to revoke the probation or suspension or grant the requested increases in requirements thereof because the defendant’s failure to comply therewith was excusable, the defendant may be granted the period of tolling of the probation or suspension for purposes of computation of the remaining probation or suspension, if any.”

SECTION 2. Section 706-628, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 706-628 Revocation of probation or suspension of sentence; resentence. (1) At any time before the discharge of the defendant or the termination of the period of probation†† suspension of sentence, the court, if satisfied that the defendant has inexcusably failed to comply with a substantial requirement imposed as a condi-

††In section prior to amendment, here appeared the word “or”.

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tion of the order or if the defendant has been convicted of another crime, may, but if convicted of a felony, shall, revoke the suspension or probation and sentence or resentence the defendant, as provided in subsection (2).

(2) When the court revokes a suspension or probation, it shall impose on the defendant any sentence that might have been imposed originally for the crime of which he was convicted.”

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved May 28, 1980.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.