

ACT 216

S.B. NO. 812

A Bill for an Act Relating to Criminal Sentencing.

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

SECTION 1. Section 706-604, Hawaii Revised Statutes, is amended to read as follows:

“§706-604 Opportunity to be heard with respect to sentence; notice of pre-sentence report; opportunity to controvert or supplement; transmission of report to department. (1) Before imposing sentence, the court shall afford a fair opportunity to the defendant to be heard on the issue of the defendant’s disposition.

(2) The court shall furnish to the defendant or the defendant’s counsel and to the prosecuting attorney a copy of the report of any pre-sentence diagnosis or psychological [or], psychiatric, or other medical examination and afford fair opportunity, if the defendant or the prosecuting attorney so requests, to controvert or supplement them.

(3) In all circuit court cases, the court shall afford a fair opportunity to the victim to be heard on the issue of the defendant’s disposition, before imposing sentence. The court, service center, or agency personnel who prepare the pre-sentence diagnosis and report shall inform the victim of the sentencing date and of the victim’s opportunity to be heard. In the case of a homicide or where the victim is otherwise unable to appear at the sentencing hearing, the victim’s family shall be afforded the fair opportunity to be heard.

[(3)] (4) If the defendant is sentenced to imprisonment, a copy of the report of any pre-sentence diagnosis or psychological [or], psychiatric, or other medical examination shall be transmitted [forthwith] immediately to the department of public safety or, when the defendant is committed to the custody of a specific institution, to [such] that institution.”

SECTION 2. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 10, 1993.)