

ACT 210

S.B. NO. 978

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Section 706-620, Hawaii Revised Statutes, is amended to read as follows:

“§706-620 Authority to withhold sentence of imprisonment. A defendant who has been convicted of a crime may be sentenced to a term of probation unless:

- (1) The crime is first or second degree murder or attempted first or second degree murder;
- (2) The crime is a class A felony, except class A felonies defined in chapter 712, part IV, and by section 707-702;
- (3) The defendant is a repeat offender under section 706-606.5;
- (4) The defendant is a felony firearm offender as defined in section 706-660.1(2); ~~[or]~~
- (5) The crime involved the death of or the infliction of serious or substantial bodily injury upon a child, an elder person, or a handicapped person under section 706-660.2[-]; or
- (6) The crime is cruelty to animals where ten or more pet animals were involved under section 711-1108.5 or 711-1109.”

SECTION 2. Section 711-1109, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

“(4) Cruelty to animals in the second degree is a misdemeanor[-], except where the offense involves ten or more pet animals in any one instance which is a class C felony.”

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

SECTION 4. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

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

(Approved June 26, 2013.)