

ACT 213

S.B. NO. 2347

A Bill for an Act Relating to Crime.

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

SECTION 1. The legislature finds that although many people from all socioeconomic groups break laws, only a few become persistent offenders who habitually commit crimes, including crimes of a violent nature. A pattern of convictions for violent behavior correlates to a likelihood of similar repeat offenses in the future. Therefore, repeat violent offenders pose a danger to the community. Legislatures have enacted laws to allow prosecutors to charge offenders

with repeat violent convictions, as a felony, if the offenders commit the same or similar offense within a given timeframe. In Hawaii, for example, the third or any subsequent offense of abuse of a family or household member would result in the charging of a class C felony, and the offense of habitual property crime is a class C felony for persons who, within ten years of the instant offense, have multiple property crime convictions.

Accordingly, the purpose of this Act is to establish the offense of habitual violent crime, to allow the prosecution to charge a person who, within five years of the instant offense, had been convicted of three or more violent misdemeanors or felonies, with a class C felony.

SECTION 2. Chapter 707, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§707- **Habitual violent crime.** (1) A person commits the offense of habitual violent crime if the person is a habitual violent crime perpetrator and commits:

- (a) Assault in the third degree under section 707-712 that is categorized as a misdemeanor;
- (b) Assault against a law enforcement officer in the second degree under section 707-712.6;
- (c) Sexual assault in the fourth degree under section 707-733; or
- (d) Abuse of a family or household member under section 709-906(1).

(2) For the purposes of this section, “habitual violent crime perpetrator” means a person who, within five years of the instant offense, has convictions for any combination of three or more of the following offenses set forth in sections 707-710, 707-711, 707-712, 707-712.5, 707-712.6, 707-730, 707-731, 707-732, 707-733, and 709-906; provided that the convictions were not for offenses categorized as petty misdemeanors. The convictions shall be for separate incidents on separate dates. The prosecution shall not be required to prove any state of mind with respect to the person’s status as a habitual violent crime perpetrator. Proof that the person has the requisite minimum prior convictions shall be sufficient to establish this element.

- (3) Habitual violent misdemeanor crime is a class C felony.
- (4) For a conviction under this section, the sentence shall be either:
 - (a) An indeterminate term of imprisonment of five years; provided that the minimum term of imprisonment shall be no less than one year; or
 - (b) A term of probation of five years, with conditions to include but not be limited to one year of imprisonment; provided that probation shall only be available for a first conviction under this section.”

SECTION 3. (a) The department of the attorney general shall submit an annual report to the legislature no later than twenty days prior to the convening of the regular sessions of 2025 and 2026 that includes the number of convictions under section 707- , Hawaii Revised Statutes, as added by section 2 of this Act.

(b) No later than December 1 of 2024 and 2025, the prosecuting attorney of each county shall provide the department of the attorney general with the data to enable the department to complete the report under subsection (a).

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. New statutory material is underscored.¹

SECTION 6. This Act shall take effect upon its approval, and shall be repealed on June 30, 2027.

(Approved July 5, 2024.)

Note

1. Edited pursuant to HRS §23G-16.5.