
A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 706-668.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-668.5 Multiple sentence of imprisonment. (1) If
4 multiple terms of imprisonment are imposed on a defendant,
5 whether at the same time or at different times, or if a term of
6 imprisonment is imposed on a defendant who is already subject to
7 an unexpired term of imprisonment, the terms may run
8 concurrently or consecutively. Multiple terms of imprisonment
9 run concurrently unless the court orders or the statute mandates
10 that the terms run consecutively.

11 (2) The court, in determining whether the terms imposed
12 are to be ordered to run concurrently or consecutively, shall
13 consider the factors set forth in section 706-606.

14 (3) For defendants serving a term of imprisonment imposed
15 prior to June 18, 2008, the department of public safety shall
16 post, in all inmate housing units and the facility library at



1 each facility for a period of two months, a written notice that
2 shall include but not be limited to:

3 (a) Notice that the department of public safety may
4 recalculate the multiple terms of imprisonment imposed
5 on the defendant; and

6 (b) Notice that the defendant may petition the court for
7 clarification or correction of the defendant's
8 recalculated sentence or sentences when good cause
9 exists.

10 (4) For defendants petitioning the court for clarification
11 or correction of a recalculated sentence, the petitions shall be
12 served on the department of public safety and the department of
13 the attorney general as parties in interest, in addition to the
14 appropriate prosecuting attorney."

15 SECTION 2. New statutory material is underscored.

16 SECTION 3. This Act shall take effect on January 7, 2059.



Report Title:

Penal Code; Multiple Sentences of Imprisonment

Description:

Requires the department of public safety to post written notice to defendants with terms of imprisonment imposed prior to June 18, 2008, to notify these defendants that the department may recalculate their multiple terms of imprisonment and their right to petition the court for clarification or correction when there is good cause. (SB213 HD1)

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