
HOUSE RESOLUTION

REQUESTING THE DEPARTMENT OF LAW ENFORCEMENT TO PERFORM A STUDY
REGARDING THE SPECIAL SENTENCING OF HABITUAL VIOLENT
FELONS.

1 WHEREAS, Hawaii has one of the highest rates of
2 homelessness in the nation, with forty-six out of every ten
3 thousand persons in Hawaii being reported as homeless; and
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5 WHEREAS, in addition to posing a direct risk to the health
6 and safety of affected individuals, homelessness also serves as
7 an added stressor or contributing factor in many crimes; and
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9 WHEREAS, there is growing concern about recurrent violent
10 crimes committed by unsheltered persons; and
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12 WHEREAS, a "three strikes" law could allow for special
13 sentencing for individuals with a record of committing violent
14 crimes; and
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16 WHEREAS, it is important for the State to determine the
17 efficacy of such a "three strikes" law; now, therefore,
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19 BE IT RESOLVED by the House of Representatives of the
20 Thirty-second Legislature of the State of Hawaii, Regular
21 Session of 2024, that the Department of Law Enforcement is
22 requested to perform a study regarding the special sentencing of
23 habitual violent felons; and
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25 BE IT FURTHER RESOLVED that the scope of the study include
26 whether:
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28 (1) A habitual violent felon should be sentenced to:
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30 (A) A mandatory minimum term of imprisonment of not
31 less than thirty years; and
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- 1 (B) A mandatory indeterminate term of life
- 2 imprisonment;
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- 4 (2) A habitual violent felon should not be eligible for
- 5 parole before serving the mandatory minimum term under
- 6 paragraph (1), as applicable; and
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- 8 (3) Except for work furlough programs in the final year of
- 9 a sentence that requires incarceration during the time
- 10 the habitual violent felon is not working or traveling
- 11 to or from work, a habitual violent felon should not
- 12 be eligible for pre-release, furlough, or other
- 13 modified terms of imprisonment without the written,
- 14 non-delegable authorization of the Governor; and
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16 BE IT FURTHER RESOLVED that for the purposes of the study,
17 an individual is a "habitual violent felon" if:

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- 19 (1) The individual is at least eighteen years old at the
- 20 time the individual committed the current offense;
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- 22 (2) The current conviction is for murder in the second
- 23 degree or any class A or class B felony that is a
- 24 crime of violence;
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- 26 (3) The individual has at least two prior and separate
- 27 felony convictions for:
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- 29 (A) Murder in any degree;
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- 31 (B) Any class A felony or class B felony that is a
- 32 crime of violence; or
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- 34 (C) Any federal offense that is comparable to a crime
- 35 of violence, or any federal or out-of-state
- 36 offense that under the laws of this State would
- 37 be a crime of violence; and
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- 39 (4) Either the current conviction or at least one of the
- 40 prior and separate convictions is for an offense other
- 41 than burglary in the first degree; and
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1 BE IT FURTHER RESOLVED that for the purposes of the study,
2 a "crime of violence" is:

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4 (1) Murder in any degree;
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6 (2) Manslaughter;
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8 (3) Assault in the first degree;
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10 (4) Kidnapping;
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12 (5) Sexual assault in the first degree;
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14 (6) Sexual assault in the second degree;
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16 (7) Continuous sexual assault of a minor under the age of
17 fourteen years old;
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19 (8) Robbery in the first degree;
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21 (9) Robbery in the second degree; and
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23 (10) Burglary in the first degree; and
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25 BE IT FURTHER RESOLVED that the Department of Law
26 Enforcement is requested to submit the study, including
27 findings, recommendations, and any proposed legislation, to the
28 Legislature no later than twenty days prior to the convening of
29 the Regular Session of 2025; and
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31 BE IT FURTHER RESOLVED that a certified copy of this
32 Resolution be transmitted to the Director of Law Enforcement.
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OFFERED BY: 

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