

JAN 21 2009

A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-606, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§706-606 Factors to be considered in imposing a sentence.

4 The court, in determining the particular sentence to be imposed,
5 shall consider:

6 (1) The nature and circumstances of the offense [~~and the~~];

7 (2) The history and characteristics of the
8 defendant [✓], other than age or the absence of any
9 previous criminal record;

10 [~~(2)~~] (3) The need for the sentence imposed:

11 (a) To reflect the seriousness of the offense, to
12 promote respect for law, and to provide just
13 punishment for the offense;

14 (b) To afford adequate deterrence to criminal
15 conduct;

16 (c) To protect the public from further crimes of the
17 defendant; and



1 (d) To provide the defendant with needed educational
2 or vocational training, medical care, or other
3 correctional treatment in the most effective
4 manner;

5 ~~[(3)]~~ (4) The kinds of sentences available; and

6 ~~[(4)]~~ (5) The need to avoid unwarranted sentence
7 disparities among defendants with similar records who
8 have been found guilty of similar conduct."

9 SECTION 2. Section 706-660, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "**§706-660 Sentence of imprisonment for class B and C**
12 **felonies; ordinary terms.** A person who has been convicted of a
13 class B or class C felony may be sentenced to an indeterminate
14 term of imprisonment except as provided for in section 706-660.1
15 relating to the use of firearms in certain felony offenses,
16 ~~[and]~~ section 706-606.5 relating to repeat offenders~~[-]~~, and
17 section 707-702.5 relating to first degree negligent homicide.

18 When ordering such a sentence, the court shall impose the
19 maximum length of imprisonment which shall be as follows:

- 20 (1) For a class B felony--10 years; and
21 (2) For a class C felony--5 years.



1 The minimum length of imprisonment shall be determined by the
2 Hawaii paroling authority in accordance with section 706-669."

3 SECTION 3. Section 707-702.5, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "[~~f~~] §707-702.5 [~~f~~] **Negligent homicide in the first degree.**

6 (1) A person is guilty of the offense of negligent homicide in
7 the first degree if that person causes the death of another
8 person by the operation of a vehicle in a negligent manner while
9 under the influence of drugs or alcohol.

10 (2) Negligent homicide in the first degree is a class B
11 felony. Notwithstanding section 706-669, a person convicted of
12 negligent homicide in the first degree under this section shall
13 be sentenced to a mandatory minimum term of imprisonment without
14 the possibility of parole for _____ years."

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

18 SECTION 5. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:

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by request *[Handwritten signature]*



Report Title:

Negligent Homicide; Mandatory Sentencing

Description:

Removes age and previous criminal record as relevant considerations for sentencing and sets a mandatory minimum sentence for a felony conviction of first degree negligent homicide.

