
A BILL FOR AN ACT

RELATING TO REPEAT OFFENDERS.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:
3 "(1) Notwithstanding section 706-669 and any other law to
4 the contrary, any person convicted of murder in the second
5 degree, any of the following class A [~~felony,~~] felonies: section
6 707-702 relating to manslaughter; section 707-720(2) relating to
7 kidnapping; section 707-730 relating to sexual assault in the
8 first degree; section 707-733.6 relating to continuous sexual
9 assault of a minor under the age of fourteen years; section 707-
10 750 relating to promoting child abuse in the first degree;
11 section 708-839.6 relating to identity theft in the first
12 degree; section 708-840 relating to robbery in the first degree;
13 or section 708-8251 relating arson in the first degree; any of
14 the following class B [~~felony,~~] felonies: section 707-702.5
15 relating to negligent homicide in the first degree; section 707-
16 710 relating to assault in the first degree; section 707-712.7
17 relating to assault against an emergency worker; section 707-
18 720(3) relating to kidnapping; section 707-731 relating to



1 sexual assault in the second degree; section 707-751 relating to
2 promoting child abuse in the second degree; section 707-756
3 relating to electronic enticement of a child in the first
4 degree; section 707-765 relating to extortion in the first
5 degree; section 708-810 relating to burglary in the first
6 degree; section 708-820 relating to criminal property damage in
7 the first degree; section 708-830.5 relating to theft in the
8 first degree; section 708-839.7 relating to identity theft in
9 the second degree; section 708-841 relating to robbery in the
10 second degree; section 708-851 relating to forgery in the first
11 degree; section 708-891 relating to computer fraud in the first
12 degree; section 708-895.5 relating to unauthorized computer
13 access in the first degree; section 708-8252 relating to arson
14 in the second degree; section 708A-3 relating to money
15 laundering; section 710-1031 relating to intimidating a
16 correctional worker; section 710-1040 relating to bribery;
17 section 710-1074 relating to intimidating a juror; or section
18 712-1202 relating to promoting prostitution in the first degree;
19 or any of the following class C felonies: [~~section 188-23~~
20 ~~relating to possession or use of explosives, electrofishing~~
21 ~~devices, and poisonous substances in state waters; section 386-~~
22 ~~98(d)(1) relating to fraud violations and penalties; section~~



1 ~~431:10A 131(b)(2) relating to insurance fraud; section 431:10C-~~
2 ~~307.7(b)(2) relating to insurance fraud; section 432:1-106(b)(2)-~~
3 ~~relating to insurance fraud; section 432D-18.5(b)(2) relating to~~
4 ~~insurance fraud;]~~ section 707-703 relating to negligent homicide
5 in the second degree; section 707-711 relating to assault in the
6 second degree; section 707-713 relating to reckless endangering
7 in the first degree; section 707-716 relating to terroristic
8 threatening in the first degree; section 707-721 relating to
9 unlawful imprisonment in the first degree; section 707-732
10 relating to sexual assault [~~er-rape~~] in the third degree;
11 section 707-752 relating to promoting child abuse in the third
12 degree; section 707-757 relating to electronic enticement of a
13 child in the second degree; section 707-766 relating to
14 extortion in the second degree; section 708-811 relating to
15 burglary in the second degree; [~~section 708-821 relating to~~
16 ~~criminal property damage in the second degree; section 708-831~~
17 ~~relating to theft in the first degree as amended by Act 68,~~
18 ~~Session Laws of Hawaii 1981; section 708-831 relating to theft~~
19 ~~in the second degree; section 708-835.5 relating to theft of~~
20 ~~livestock; section 708-836 relating to unauthorized control of~~
21 ~~propelled vehicle;]~~ section 708-839.8 relating to identity theft
22 in the third degree; section 708-839.55 relating to unauthorized



1 possession of confidential personal information; [~~section 708-~~
2 ~~852 relating to forgery in the second degree; section 708-854~~
3 ~~relating to criminal possession of a forgery device; section~~
4 ~~708-875 relating to trademark counterfeiting;~~] section 708-892
5 relating to computer fraud in the second degree; section 710-
6 1071 relating to intimidating a witness; section 711-1103
7 relating to riot; section 712-1203 relating to promoting
8 prostitution in the second degree; [~~section 712-1221 relating to~~
9 ~~gambling in the first degree; section 712-1224 relating to~~
10 ~~possession of gambling records in the first degree; section 712-~~
11 ~~1243 relating to promoting a dangerous drug in the third degree;~~
12 ~~section 712-1247 relating to promoting a detrimental drug in the~~
13 ~~first degree; section 846E-9 relating to failure to comply with~~
14 ~~covered offender registration requirements; section 134-7~~
15 ~~relating to ownership or possession of firearms or ammunition by~~
16 ~~persons convicted of certain crimes; section 134-8 relating to~~
17 ~~ownership, etc., of prohibited weapons; section 134-9 relating~~
18 ~~to permits to carry, or who is convicted of attempting to commit~~
19 ~~murder in the second degree, any class A felony, any class B~~
20 ~~felony, or any of the class C felony offenses enumerated above~~
21 ~~and who has a prior conviction or prior convictions for the~~
22 ~~following felonies, including an attempt to commit the same:~~



1 ~~murder, murder in the first or second degree, a class A felony,~~
2 ~~a class B felony, any of the class C felony offenses enumerated~~
3 ~~above, or any felony conviction of another jurisdiction,] or who~~
4 is convicted of attempting to commit any of the felony offenses
5 enumerated above, and, who has a prior conviction from any of
6 the enumerated felonies above, including the attempt to commit
7 the same, shall be sentenced to a mandatory minimum period of
8 imprisonment without possibility of parole during such period as
9 follows:

10 (a) One prior felony conviction:

11 (i) Where the instant conviction is for murder in the
12 second degree or attempted murder in the second
13 degree--ten years;

14 (ii) Where the instant conviction is for a class A
15 felony--six years, eight months;

16 (iii) Where the instant conviction is for a class B
17 felony--three years, four months; and

18 (iv) Where the instant conviction is for a class C
19 felony offense enumerated above--one year, eight
20 months;

21 (b) Two prior felony convictions:



- 1 (i) Where the instant conviction is for murder in the
2 second degree or attempted murder in the second
3 degree--twenty years;
- 4 (ii) Where the instant conviction is for a class A
5 felony--thirteen years, four months;
- 6 (iii) Where the instant conviction is for a class B
7 felony--six years, eight months; and
- 8 (iv) Where the instant conviction is for a class C
9 felony offense enumerated above--three years,
10 four months;
- 11 (c) Three or more prior felony convictions:
- 12 (i) Where the instant conviction is for murder in the
13 second degree or attempted murder in the second
14 degree--thirty years;
- 15 (ii) Where the instant conviction is for a class A
16 felony--twenty years;
- 17 (iii) Where the instant conviction is for a class B
18 felony--ten years; and
- 19 (iv) Where the instant conviction is for a class C
20 felony offense enumerated above--five years."



1 SECTION 2. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun, before its effective date.

4 SECTION 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Crimes; Repeat Offenders

Description:

Excludes non-violent offenders from the repeat offenders statute requiring mandatory minimum prison terms. (HB1752 HD1)

