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# 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, any class B  
6 felony,] felonies: section 707-702 relating to manslaughter;  
7 section 707-720(2) relating to kidnapping; section 707-730  
8 relating to sexual assault in the first degree; section  
9 707-733.6 relating to continuous sexual assault of a minor under  
10 the age of fourteen years; section 707-750 relating to promoting  
11 child abuse in the first degree; section 708-839.6 relating to  
12 identity theft in the first degree; section 708-840 relating to  
13 robbery in the first degree; or section 708-8251 relating arson  
14 in the first degree; any of the following class B felonies:  
15 section 707-702.5 relating to negligent homicide in the first  
16 degree; section 707-710 relating to assault in the first degree;  
17 section 707-712.7 relating to assault against an emergency  
18 worker; section 707-720(3) relating to kidnapping; section



1 707-731 relating to sexual assault in the second degree; section  
2 707-751 relating to promoting child abuse in the second degree;  
3 section 707-756 relating to electronic enticement of a child in  
4 the first degree; section 707-765 relating to extortion in the  
5 first 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 708-892 relating to computer damage in the first  
13 degree; section 708-895.5 relating to unauthorized computer  
14 access in the first degree; section 708-8252 relating to arson  
15 in the second degree; section 708A-3(5)(b) relating to money  
16 laundering; section 710-1031 relating to intimidating a  
17 correctional worker; section 710-1040 relating to bribery;  
18 section 710-1074 relating to intimidating a juror; or section  
19 712-1202 relating to promoting prostitution in the first degree;  
20 or any of the following class C felonies: [~~section 188-23~~  
21 relating to possession or use of explosives, electrofishing  
22 devices, and poisonous substances in state waters; section 386-



1 ~~98(d)(1) relating to fraud violations and penalties; section~~  
2 ~~431:2 403(b)(2) relating to insurance fraud;~~] section 707-703  
3 relating to negligent homicide in the second degree; section  
4 707-711 relating to assault in the second degree; section 707-  
5 713 relating to reckless endangering in the first degree;  
6 section 707-716 relating to terroristic threatening in the first  
7 degree; section 707-721 relating to unlawful imprisonment in the  
8 first degree; section 707-732 relating to sexual assault [~~er~~  
9 ~~rape~~] in the third degree; section 707-752 relating to promoting  
10 child abuse in the third degree; section 707-757 relating to  
11 electronic enticement of a child in the second degree; [section  
12 ~~707-766 relating to extortion in the second degree;~~] section  
13 708-811 relating to burglary in the second degree; section 708-  
14 821 relating to criminal property damage in the second degree;  
15 [~~section 708-831 relating to theft in the first degree as~~  
16 ~~amended by Act 68, Session Laws of Hawaii 1981; section 708-831~~  
17 ~~relating to theft in the second degree; section 708-835.5~~  
18 ~~relating to theft of livestock; section 708-836 relating to~~  
19 ~~unauthorized control of propelled vehicle;~~] section 708-839.8  
20 relating to identity theft in the third degree; [section 708-  
21 839.55 relating to unauthorized possession of confidential  
22 personal information; section 708-852 relating to forgery in the



1 ~~second degree; section 708-854 relating to criminal possession~~  
2 ~~of a forgery device;]~~ section 708-875 relating to trademark  
3 counterfeiting; section 708-893 relating to use of a computer in  
4 the commission of a separate crime; section 710-1071 relating to  
5 intimidating a witness; section 711-1103 relating to riot;  
6 section 712-1203 relating to promoting prostitution in the  
7 second degree; section 712-1221 relating to promoting gambling  
8 in the first degree; [~~section 712-1224 relating to possession of~~  
9 ~~gambling records in the first degree; section 712-1243 relating~~  
10 ~~to promoting a dangerous drug in the third degree; section 712-~~  
11 ~~1247 relating to promoting a detrimental drug in the first~~  
12 ~~degree; section 846E-9 relating to failure to comply with~~  
13 ~~covered offender registration requirements; section 134-7~~  
14 ~~relating to ownership or possession of firearms or ammunition by~~  
15 ~~persons convicted of certain crimes; section 134-8 relating to~~  
16 ~~ownership, etc., of prohibited weapons; section 134-9 relating~~  
17 ~~to permits to carry, or who is convicted of attempting to commit~~  
18 ~~murder in the second degree, any class A felony, any class B~~  
19 ~~felony, or any of the class C felony offenses enumerated above~~  
20 ~~and who has a prior conviction or prior convictions for the~~  
21 ~~following felonies, including an attempt to commit the same:~~  
22 ~~murder, murder in the first or second degree, a class A felony,~~



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

11 (a) One prior felony conviction:

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

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

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

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

22 (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; and
- 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:**

Specifying class A and B felonies that require mandatory minimum prison terms under the repeat offender statute. Reinstating, adding, and deleting certain class C felonies that require the mandatory minimum prison terms under the repeat offender statute. (HB1155 CD1)

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

