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# A BILL FOR AN ACT

RELATING TO CREDIT FOR TIME OF DETENTION PRIOR TO SENTENCE.

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

1           SECTION 1. Section 706-671, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§706-671 Credit for time of detention prior to sentence;**  
4 **credit for imprisonment under earlier sentence for same crime.**

5           (1) When a defendant who is sentenced to imprisonment has  
6 previously been detained in any State or local correctional or  
7 other institution following the defendant's arrest for the crime  
8 for which sentence is imposed, such period of detention  
9 following the defendant's arrest shall be deducted from the  
10 minimum and maximum terms of such sentence. The officer having  
11 custody of the defendant shall furnish a certificate to the  
12 court at the time of sentence, showing the length of such  
13 detention of the defendant prior to sentence in any State or  
14 local correctional or other institution, and the certificate  
15 shall be annexed to the official records of the defendant's  
16 commitment.

17           (2) When a judgment of conviction or a sentence is vacated  
18 and a new sentence is thereafter imposed upon the defendant for



1 the same crime, the period of detention and imprisonment  
2 theretofore served shall be deducted from the minimum and  
3 maximum terms of the new sentence. The officer having custody  
4 of the defendant shall furnish a certificate to the court at the  
5 time of sentence, showing the period of imprisonment served  
6 under the original sentence, and the certificate shall be  
7 annexed to the official records of the defendant's new  
8 commitment.

9 (3) Notwithstanding any other law to the contrary, when a  
10 defendant is convicted for a crime committed while serving a  
11 sentence of imprisonment on a separate unrelated felony  
12 conviction, credit for time being served for the term of  
13 imprisonment imposed on the defendant for the separate unrelated  
14 felony conviction shall not be deducted from the term of  
15 imprisonment imposed on the defendant for the subsequent  
16 conviction."

17 SECTION 2. The prohibition in this Act against deducting  
18 the time served on a separate unrelated felony from the sentence  
19 imposed for a crime committed while in prison for the separate  
20 unrelated felony shall not apply when the crime committed while  
21 in prison for the separate unrelated felony, was committed prior  
22 to the effective date of this Act.



- 1 SECTION 3. New statutory material is underscored.
- 2 SECTION 4. This Act shall take effect on July 1, 2012.



**Report Title:**

Penal Code; Sentencing; Credit for Time of Detention Prior to Sentence

**Description:**

Clarifies that defendants may not earn credit on a sentence imposed for a subsequent conviction for time being served on a previous felony conviction. Effective July 1, 2012. (HB2602 HD2)

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

