
A BILL FOR AN ACT

RELATING TO LESSER INCLUDED OFFENSES.

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

1 SECTION 1. Section 701-109, Hawaii Revised Statutes, is
2 amended by amending subsection (4) to read as follows:

3 "(4) A defendant may be convicted of an offense included
4 in an offense charged in the felony complaint, indictment, or
5 [~~the~~] information. An offense is so included when:

6 (a) It is established by proof of the same or less than
7 all the facts required to establish the commission of
8 the offense charged;

9 (b) It consists of an attempt to commit the offense
10 charged or to commit an offense otherwise included
11 therein; or

12 (c) It differs from the offense charged only in the
13 respect that a less serious injury or risk of injury
14 to the same person, property, or public interest or a
15 different state of mind indicating lesser degree of
16 culpability suffices to establish its commission."




1 SECTION 2. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 3. This Act shall take effect upon its approval.

4

INTRODUCED BY: _____



By Request

JAN 16 2018



H.B. NO. 1777

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Procedure;
Crimes

Description:

Clarifies the definition of an included offense to expressly
include offenses charged via felony complaint.

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not legislation or evidence of legislative intent.*

