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# 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. 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 Statutory material to be repealed is bracketed  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 on July 1, 2018.



**Report Title:**

Honolulu Prosecuting Attorney Package; Criminal Procedure;  
Crimes

**Description:**

Clarifies that defendants may be convicted of lesser included offenses in cases filed via felony complaint. (CD1)

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

