A BILL FOR AN ACT

RELATING TO MANSLAUGHTER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWA'II:

SECTION 1. Section 707-702, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

"(1) A person commits the offense of manslaughter if:

(a) The person recklessly causes the death of another person; or

(b) The person intentionally causes another person to commit suicide; or

(c) The person knowingly distributes a dangerous drug in any amount and another person dies as a result of ingesting that drug. It shall not be a defense to prosecution under this section that the decedent contributed to the decedent's own death or serious bodily injury by voluntary or involuntary ingestion of the drug. A person who commits this offense shall be held strictly liable for causing such a result.

"Dangerous drug" shall have the same meaning as that under section 712-1240. "Distributes" shall have the
same meaning as "to distribute" under section 712-1240; provided that this section shall not apply to actions taken under chapter 327L."

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

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 Statutory material to be repealed is bracketed and stricken.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

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

INTRODUCED BY: ____________________________

BY REQUEST
Report Title:
Relating to Manslaughter

Description:
Amends section 707-702(1), Hawaii Revised Statutes, to authorize manslaughter prosecutions for dangerous drug distribution that results in overdose deaths.

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

TITLE: A BILL FOR AN ACT RELATING TO MANSLAUGHTER.

PURPOSE: To authorize manslaughter prosecution for drug distribution that results in overdose deaths.

MEANS: Amend section 707-702(1), Hawaii Revised Statutes.

JUSTIFICATION: The opioid epidemic (addiction, overdose, and death resulting from prescription pain meds, heroin, fentanyl, etc.) crippling the nation is starting to reach Hawaii. Currently, a drug dealer cannot be held responsible for causing the death of the end user, as this situation does not fall within Hawaii's statutory framework for homicide. However, approximately 21 other states already have similar a law in place, as does the federal government.

Impact on the public: This bill is responsive to the opioid epidemic but will cover all dangerous drugs. Victims and their families will have better access to justice in these specific situations. Enhanced criminal penalties for drug distribution will improve public safety.

Impact on the department and other agencies: This bill will give law enforcement another tool in the fight against the opioid epidemic and other dangerous drugs. County prosecutors will be the primary agencies affected.
GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: County prosecuting attorneys.

EFFECTIVE DATE: Upon approval.