



EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

June 26, 2019

GOV. MSG. NO. 1251

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on June 26, 2019, the following bill was signed into law:

HB711 HD1 SD1

RELATING TO CRIMINAL DEFENSE
ACT 149 (19)

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

A BILL FOR AN ACT

RELATING TO CRIMINAL DEFENSE.

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

1 SECTION 1. Section 707-702, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) In a prosecution for murder or attempted murder in
4 the first and second degrees it is an affirmative defense, which
5 reduces the offense to manslaughter or attempted manslaughter,
6 that the defendant was, at the time the defendant caused the
7 death of the other person, under the influence of extreme mental
8 or emotional disturbance for which there is a reasonable
9 explanation. The reasonableness of the explanation shall be
10 determined from the viewpoint of a reasonable person in the
11 circumstances as the defendant believed them to be[-]; provided
12 that an explanation that is not otherwise reasonable shall not
13 be determined to be reasonable because of the defendant's
14 discovery, defendant's knowledge, or the disclosure of the other
15 person's actual or perceived gender, gender identity, gender
16 expression, or sexual orientation, including under circumstances
17 in which the other person made an unwanted nonforcible romantic

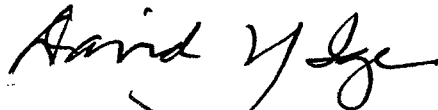


1 or sexual advance toward the defendant, or in which the
 2 defendant and the other person dated or had a romantic
 3 relationship. If the defendant's explanation includes the
 4 discovery, knowledge, or disclosure of the other person's actual
 5 or perceived gender, gender identity, gender expression, or
 6 sexual orientation, the court shall instruct the jury to
 7 disregard biases or prejudices regarding the other person's
 8 actual or perceived gender, gender identity, gender expression,
 9 or sexual orientation in reaching a verdict."

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

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

APPROVED this 26 day of JUN, 2019



GOVERNOR OF THE STATE OF HAWAII



HB No. 711, HD 1, SD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

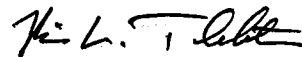
Date: April 25, 2019

Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirtieth Legislature of the State of Hawaii, Regular Session of 2019.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

H.B. No. 711, H.D. 1, S.D. 1

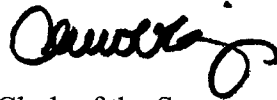
THE SENATE OF THE STATE OF HAWAI'I

Date: April 5, 2019
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Third Reading in the
Senate of the Thirtieth Legislature of the State of Hawai'i, Regular Session of 2019.



President of the Senate



Clerk of the Senate