
HOUSE CONCURRENT RESOLUTION

ESTABLISHING A WORKING GROUP TO STUDY, REVIEW, AND REVISE THE
DEFINITION OF MURDER IN THE FIRST DEGREE.

1 WHEREAS, under existing law in Hawaii, the killing of a
2 person in an especially heinous, atrocious, or cruel manner,
3 manifesting exceptional depravity, does not necessarily
4 constitute murder in the first degree; and

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6 WHEREAS, although a conviction for murder in the second
7 degree that involved heinous, atrocious, or cruel conduct may
8 warrant enhanced sentencing, the decision to pursue enhanced
9 sentencing lies within the discretion of the prosecutor or the
10 court and requires an entirely separate post-conviction hearing;
11 and

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13 WHEREAS, several other states automatically classify
14 killing another person under these types of circumstances as
15 murder in the first degree; and

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17 WHEREAS, such a classification is intended to punish the
18 perpetrator and to deter others from committing these types of
19 horrible crimes; and

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21 WHEREAS, the matter of whether Hawaii should also establish
22 the killing of a person in an especially heinous, atrocious, or
23 cruel manner, manifesting exceptional depravity, as murder in
24 the first degree deserves further consideration and study; now,
25 therefore,

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27 BE IT RESOLVED by the House of Representatives of the
28 Twenty-eighth Legislature of the State of Hawaii, Regular
29 Session of 2015, the Senate concurring, that there is
30 established a working group to study, review, and revise the
31 definition of murder in the first degree; and



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1 BE IT FURTHER RESOLVED that the members of the working
2 group shall consist of:

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- 4 (1) Two members of the House of Representatives, to be
5 appointed by the Speaker of the House of
6 Representatives;
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- 8 (2) Two members of the Senate, to be appointed by the
9 President of the Senate;
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- 11 (3) A representative of the Department of the Prosecuting
12 Attorney of the City and County of Honolulu;
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- 14 (4) A representative of the Department of the Attorney
15 General;
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- 17 (5) Two victim advocates, to be appointed by the Speaker
18 of the House of Representatives; and
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- 20 (6) Two victim advocates, to be appointed by the President
21 of the Senate; and
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23 BE IT FURTHER RESOLVED that no member of the working group
24 shall be made subject to Chapter 84, Hawaii Revised Statutes,
25 solely because of that member's participation as a member of the
26 working group; and

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28 BE IT FURTHER RESOLVED that prior to the Regular Session of
29 2016, the working group shall hold no fewer than two meetings,
30 to be convened and organized by the four members of the working
31 group who are also members of the House of Representatives and
32 members of the Senate; and

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34 BE IT FURTHER RESOLVED that the working group shall submit
35 its findings and recommendations, including any proposed
36 legislation, to the Legislature, the chairperson of the House of
37 Representatives Committee on Judiciary, and the chairperson of
38 the Senate Committee on Judiciary and Labor no later than 20
39 days prior to the convening of the Regular Session of 2016; and

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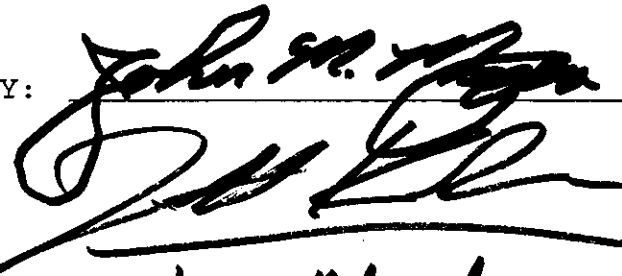
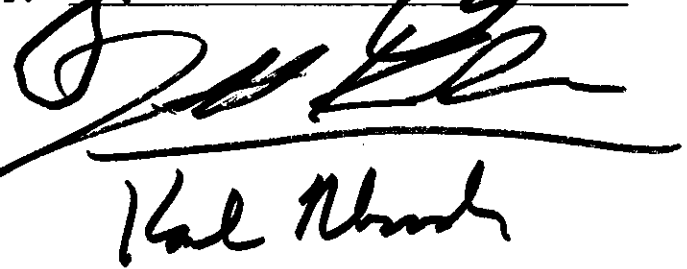
41 BE IT FURTHER RESOLVED that the working group shall cease
42 to exist on January 1, 2016; and



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1 BE IT FURTHER RESOLVED that certified copies of this
2 Concurrent Resolution be transmitted to the Governor, Attorney
3 General, Mayor of the City and County of Honolulu, and
4 Prosecuting Attorney of the City and County of Honolulu.
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OFFERED BY:

MAR 11 2015

