

JAN 19 2018

A BILL FOR AN ACT

RELATING TO EXTENDED TERMS OF IMPRISONMENT.

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

1 SECTION 1. The legislature notes with concern that, in
2 cases of vehicular homicide when the offender is under the
3 influence of drugs or alcohol, the offender may fail to render
4 aid as required by law. Such circumstances result in additional
5 extreme distress for family and friends of the victim of the
6 offender's criminal conduct.

7 The purpose of this Act is to provide the courts with the
8 authority to extend the terms of imprisonment of persons
9 convicted of negligent homicide under section 707-702.5, Hawaii
10 Revised Statutes, a class B felony, by adding it to the felonies
11 that may be subject to extended terms of imprisonment under
12 section 706-662.

13 SECTION 2. Section 706-662, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§706-662 Criteria for extended terms of imprisonment. A
16 defendant who has been convicted of a felony may be subject to
17 an extended term of imprisonment under section 706-661 if it is



1 proven beyond a reasonable doubt that an extended term of
2 imprisonment is necessary for the protection of the public and
3 that the convicted defendant satisfies one or more of the
4 following criteria:

5 (1) The defendant is a persistent offender in that the
6 defendant has previously been convicted of two or more
7 felonies committed at different times when the
8 defendant was eighteen years of age or older;

9 (2) The defendant is a professional criminal in that:

10 (a) The circumstances of the crime show that the
11 defendant has knowingly engaged in criminal
12 activity as a major source of livelihood; or

13 (b) The defendant has substantial income or resources
14 not explained to be derived from a source other
15 than criminal activity;

16 (3) The defendant is a dangerous person in that the
17 defendant has been subjected to a psychiatric or
18 psychological evaluation that documents a significant
19 history of dangerousness to others resulting in
20 criminally violent conduct, and this history makes the
21 defendant a serious danger to others. Nothing in this



1 section precludes the introduction of victim-related
2 data to establish dangerousness in accord with the
3 Hawaii rules of evidence;

4 (4) The defendant is a multiple offender in that:

5 (a) The defendant is being sentenced for two or more
6 felonies or is already under sentence of
7 imprisonment for any felony; or

8 (b) The maximum terms of imprisonment authorized for
9 each of the defendant's crimes, if made to run
10 consecutively, would equal or exceed in length
11 the maximum of the extended term imposed or would
12 equal or exceed forty years if the extended term
13 imposed is for a class A felony;

14 (5) The defendant is an offender against the elderly,
15 handicapped, or a minor eight years of age or younger
16 in that:

17 (a) The defendant attempts or commits any of the
18 following crimes: murder, manslaughter, a sexual
19 offense that constitutes a felony under chapter
20 707, robbery, felonious assault, burglary, or
21 kidnapping; and



S.B. NO. 2582

- 1 (b) The defendant, in the course of committing or
2 attempting to commit the crime, inflicts serious
3 or substantial bodily injury upon a person who
4 has the status of being:
- 5 (i) Sixty years of age or older;
 - 6 (ii) Blind, a paraplegic, or a quadriplegic; or
 - 7 (iii) Eight years of age or younger; and
- 8 the person's status is known or reasonably should
9 be known to the defendant; [~~or~~]
- 10 (6) The defendant is a hate crime offender in that:
- 11 (a) The defendant is convicted of a crime under
12 chapter 707, 708, or 711; and
 - 13 (b) The defendant intentionally selected a victim or,
14 in the case of a property crime, the property
15 that was the object of a crime, because of
16 hostility toward the actual or perceived race,
17 religion, disability, ethnicity, national origin,
18 gender identity or expression, or sexual
19 orientation of any person. For purposes of this
20 subsection, "gender identity or expression"
21 includes a person's actual or perceived gender,



1 as well as a person's gender identity, gender-
 2 related self-image, gender-related appearance, or
 3 gender-related expression, regardless of whether
 4 that gender identity, gender-related self-image,
 5 gender-related appearance, or gender-related
 6 expression is different from that traditionally
 7 associated with the person's sex at birth[-]; or

8 (7) The defendant is convicted under section 707-702.5 and
 9 the defendant did not remain at the scene of the crime
 10 and render reasonable assistance to an injured person,
 11 including acts and omissions in violation of section
 12 291C-12."

13 SECTION 3. This Act does not affect rights and duties that
 14 matured, penalties that were incurred, and proceedings that were
 15 begun before its effective date.

16 SECTION 4. Statutory material to be repealed is bracketed
 17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

19

INTRODUCED BY:

Will Egan



S.B. NO. 2582

Report Title:

Negligent Homicide; Extended Term of Imprisonment

Description:

Adds certain cases of negligent homicide to the felonies that may be subject to an extended term of imprisonment.

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

