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# 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 the victim's family and friends.

6       The purpose of this Act is to authorize the courts to  
7 impose an extended term of imprisonment for an offender who is  
8 convicted of negligent homicide in the first degree and did not  
9 remain at the scene of the crime and render reasonable  
10 assistance to an injured person.

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

13       "§706-662 Criteria for extended terms of imprisonment. A  
14 defendant who has been convicted of a felony may be subject to  
15 an extended term of imprisonment under section 706-661 if it is  
16 proven beyond a reasonable doubt that an extended term of  
17 imprisonment is necessary for the protection of the public and



1 that the convicted defendant satisfies one or more of the  
2 following criteria:

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

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

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

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

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



1 data to establish dangerousness in accord with the  
2 Hawaii rules of evidence;

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

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

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

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

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



- 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; [øæ]
- 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 on July 1, 2018.



**Report Title:**

Negligent Homicide; Extended Term of Imprisonment

**Description:**

Authorizes the courts to impose an extended term of imprisonment for an offender who is convicted of negligent homicide in the first degree and did not remain at the scene of the crime and render reasonable assistance to an injured person. (CD1)

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

