THE SENATE TWENTY-FOURTH LEGISLATURE, 2007 STATE OF HAWAII

S.B. NO. 1567

JAN 2 2 2007

### A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is 2 amended by amending subsection (1) to read as follows: 3 Notwithstanding section 706-669 and any other law to "(1) the contrary, any person convicted of murder in the second 4 5 degree, any class A felony, any class B felony, or any of the following class C felonies: section 188-23 relating to 6 possession or use of explosives, electrofishing devices, and 7 poisonous substances in state waters; section 707-703 relating 8 9 to negligent homicide in the second degree; section 707-711 10 relating to assault in the second degree; section 707-713 11 relating to reckless endangering in the first degree; section 707-716 relating to terroristic threatening in the first degree; 12 section 707-721 relating to unlawful imprisonment in the first 13 14 degree; section 707-732 relating to sexual assault or rape in the third degree; section 707-752 relating to promoting child 15 abuse in the third degree; section 707-757 relating to 16 17 electronic enticement of a child in the second degree; section 18 707-766 relating to extortion in the second degree; section SB LRB 07-1680.doc

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1 708-811 relating to burglary in the second degree; section 2 708-812.6 relating to unauthorized entry in a dwelling; section 3 708-821 relating to criminal property damage in the second 4 degree; section 708-831 relating to theft in the first degree as 5 amended by Act 68, Session Laws of Hawaii 1981; section 708-831 6 relating to theft in the second degree; section 708-835.5 7 relating to theft of livestock; section 708-836 relating to 8 unauthorized control of propelled vehicle; section 708-836.5 9 relating to unauthorized entry into a motor vehicle in the first 10 degree; [+]section[+] 708-839.8 relating to identity theft in the third degree; [4] section [4] 708-839.55 relating to 11 12 unauthorized possession of confidential personal information; section 708-852 relating to forgery in the second degree; 13 14 section 708-854 relating to criminal possession of a forgery device; section 708-875 relating to trademark counterfeiting; 15 16 section 708-8253 relating to arson in the third degree; section 17 709-906(8) relating to abuse of a family or household member; 18 section 710-1071 relating to intimidating a witness; section 19 711-1103 relating to riot; section 712-1203 relating to 20 promoting prostitution in the second degree; section 712-1221 21 relating to gambling in the first degree; section 712-1224 22 relating to possession of gambling records in the first degree; SB LRB 07-1680.doc



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section 712-1243 relating to promoting a dangerous drug in the 1 2 third degree; section 712-1247 relating to promoting a detrimental drug in the first degree; section 134-7 relating to 3 ownership or possession of firearms or ammunition by persons 4 convicted of certain crimes; section 134-8 relating to 5 ownership, etc., of prohibited weapons; section 134-9 relating 6 7 to permits to carry, or who is convicted of attempting to commit murder in the second degree, any class A felony, any class B 8 felony, or any of the class C felony offenses enumerated above 9 10 and who has a prior conviction or prior convictions for the following felonies, including an attempt to commit the same: 11 murder, murder in the first or second degree, a class A felony, 12 a class B felony, any of the class C felony offenses enumerated 13 above, or any felony conviction of another jurisdiction shall be 14 15 sentenced to a mandatory minimum period of imprisonment without possibility of parole during such period as follows: 16 One prior felony conviction: 17 (a)

18 (i) Where the instant conviction is for murder in the
19 second degree or attempted murder in the second
20 degree--ten years;

(ii) Where the instant conviction is for a class A
felony--six years, eight months;



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1	(iii)	Where the instant conviction is for a class B
2		felonythree years, four months;
3	(iv)	Where the instant conviction is for a class C
4		felony offense enumerated aboveone year, eight
5		months;
6	(b) Two	prior felony convictions:
7	(i)	Where the instant conviction is for murder in the
8		second degree or attempted murder in the second
9		degreetwenty years;
10	(ii)	Where the instant conviction is for a class A
11		felonythirteen years, four months;
12	( <b>i</b> ii)	Where the instant conviction is for a class B
13		felonysix years, eight months;
14	(iv)	Where the instant conviction is for a class C
15		felony offense enumerated abovethree years,
16		four months;
17	(c) Thr	ee or more prior felony convictions:
18	(i)	Where the instant conviction is for murder in the
19		second degree or attempted murder in the second
20		degreethirty years;
21	(ii)	Where the instant conviction is for a class A
22		felonytwenty years;



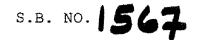
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1	(iii)	Where the instant conviction is for a class B	
2		felonyten years;	
3	(iv)	Where the instant conviction is for a class C	
4		felony offense enumerated abovefive years."	
5	SECTION 2	. This Act does not affect rights and duties that	
6	matured, penal	ties that were incurred, and proceedings that were	
7	begun, before its effective date.		
8	SECTION 3	. Statutory material to be repealed is bracketed	
9	and stricken. New statutory material is underscored.		
10	SECTION 4	. This Act shall take effect upon its approval.	
11			
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INTRODUCED BY:





### Report Title:

Sentencing; Unauthorized Entry; Arson; Abuse; Repeat Offender

#### Description:

Expands the scope of the repeat offender law by requiring mandatory minimum sentences for certain additional repeat crimes.

