
A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Section 706-660.2, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§706-660.2 Sentence of imprisonment for offenses against**
4 **children, elder persons, or handicapped persons.** (a)

5 Notwithstanding section 706-669, a person who, in the course of
6 committing or attempting to commit a felony, causes the death or
7 inflicts serious or substantial bodily injury upon a person who
8 is:

9 (1) Sixty years of age or older;

10 (2) Blind, a paraplegic, or a quadriplegic; or

11 (3) Eight years of age or younger;

12 and such disability is known or reasonably should be known to
13 the defendant, shall, if not subjected to an extended term of
14 imprisonment pursuant to section 706-662, be sentenced as
15 provided in subsection (b).

16 (b) A person convicted of an offense as provided in
17 subsection (a) shall be sentenced to a mandatory minimum term of
18 imprisonment without possibility of parole as follows:



1 (1) For murder in the second degree--fifteen years;
2 (2) For a class A felony--six years, eight months;
3 (3) For a class B felony--three years, four months;
4 (4) For a class C felony--one year, eight months.
5 (c) Notwithstanding section 706-669, a person who commits
6 or attempts to commit any of the following offenses: section
7 708-830.5 relating to theft in the first degree; section 708-831
8 relating to theft in the second degree; section 708-839.6
9 relating to identity theft in the first degree; section 708-
10 839.7 relating to identity theft in the second degree; or
11 section 708-839.8 relating to identity theft in the third
12 degree, against a person who the defendant knows or reasonably
13 should know is sixty years of age or older, if not subjected to
14 an extended term of imprisonment pursuant to section 706-662,
15 shall be sentenced to a mandatory minimum term of imprisonment
16 without possibility of parole as follows:

- 17 (1) For a class A felony--six years, eight months;
18 (2) For a class B felony--three years, four months;
19 (3) For a class C felony--one year, eight months."

20 SECTION 2. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun, before its effective date.



H.B. NO. 376

1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Tony Wate

JAN 19 2007



Report Title:

Crimes Against Elders; Sentencing

Description:

Establishes mandatory minimum terms for certain offenses committed against persons 60 years of age or older.

