
A BILL FOR AN ACT

RELATING TO SEXUAL ASSAULT.

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

1 SECTION 1. Section 707-730, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of sexual assault in the
4 first degree if:

5 (a) The person knowingly subjects another person to an act
6 of sexual penetration by strong compulsion;

7 (b) The person knowingly engages in sexual penetration
8 with another person who is less than [~~fourteen~~]
9 seventeen years old; provided that the person is not
10 legally married to the minor;

11 ~~(c) The person knowingly engages in sexual penetration~~
12 ~~with a person who is at least fourteen years old but~~
13 ~~less than sixteen years old; provided that:~~

14 ~~(i) The person is not less than five years older than~~
15 ~~the minor; and~~

16 ~~(ii) The person is not legally married to the minor;~~



1 ~~(d)~~ (c) The person knowingly subjects to sexual
 2 penetration another person who is mentally defective;
 3 or

4 ~~(e)~~ (d) The person knowingly subjects to sexual
 5 penetration another person who is mentally
 6 incapacitated or physically helpless as a result of
 7 the influence of a substance that the actor knowingly
 8 caused to be administered to the other person without
 9 the other person's consent.

10 ~~[Paragraphs (b) and (c)]~~ Paragraph (b) shall not be construed to
 11 prohibit practitioners licensed under chapter 453, 455, or 460,
 12 from performing any act within their respective practices."

13 SECTION 2. Section 707-732, Hawaii Revised Statutes, is
 14 amended by amending subsection (1) to read as follows:

15 "(1) A person commits the offense of sexual assault in the
 16 third degree if:

17 (a) The person recklessly subjects another person to an
 18 act of sexual penetration by compulsion;

19 (b) The person knowingly subjects to sexual contact
 20 another person who is less than ~~[fourteen]~~ seventeen
 21 years old or causes such a person to have sexual



1 contact with the person; provided that the person is
2 not legally married to the minor;
3 [~~(e)~~] ~~The person knowingly engages in sexual contact with a~~
4 ~~person who is at least fourteen years old but less~~
5 ~~than sixteen years old or causes the minor to have~~
6 ~~sexual contact with the person; provided that:~~
7 ~~(i) The person is not less than five years older than~~
8 ~~the minor; and~~
9 ~~(ii) The person is not legally married to the minor;~~
10 ~~(d)]~~ (c) The person knowingly subjects to sexual contact
11 another person who is mentally defective, mentally
12 incapacitated, or physically helpless, or causes such
13 a person to have sexual contact with the actor;
14 [~~(e)~~] (d) The person, while employed:
15 (i) In a state correctional facility;
16 (ii) By a private company providing services at a
17 correctional facility;
18 (iii) By a private company providing community-based
19 residential services to persons committed to the
20 director of public safety and having received
21 notice of this statute;



1 (iv) By a private correctional facility operating in
2 the State of Hawaii; or

3 (v) As a law enforcement officer as defined in
4 section 710-1000(13),
5 knowingly subjects to sexual contact an imprisoned
6 person, a person confined to a detention facility, a
7 person committed to the director of public safety, a
8 person residing in a private correctional facility
9 operating in the State of Hawaii, or a person in
10 custody, or causes the person to have sexual contact
11 with the actor; or

12 [~~(f)~~] (e) The person knowingly, by strong compulsion, has
13 sexual contact with another person or causes another
14 person to have sexual contact with the actor.

15 Paragraphs (b), (c), and (d) [~~and~~ (~~e~~)] shall not be
16 construed to prohibit practitioners licensed under chapter 453,
17 455, or 460, from performing any act within their respective
18 practices; provided further that paragraph [~~(e)~~ (~~v~~)] (d) (v) shall
19 not be construed to prohibit a law enforcement officer from
20 performing a lawful search pursuant to a warrant or an exception
21 to the warrant clause."



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

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

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

7

INTRODUCED BY: DE 2- (AL)

JAN 19 2007



Report Title:

Sexual Assault; Age of Consent

Description:

Raises the age of consent to 17 years.

