HOUSE OF REPRESENTATIVES TWENTY-FIFTH LEGISLATURE, 2009 STATE OF HAWAII

H.B. NO. ¹⁰¹⁹ H.D. 1 S.D. 1

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A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

	BE II ENAC	IED BY THE LEGISLATURE OF THE STATE OF HAWAII:
1		PART I
2	SECT	ION 1. Section 707-701.5, Hawaii Revised Statutes, is
3	amended to	o read as follows:
4	"[+]	§707-701.5[]] Murder in the second degree. (1)
5	Except as	provided in section 707-701, a person commits the
6	offense of	f murder in the second degree if the person
7	[intention	nally]:
8	<u>(a)</u>	Intentionally or knowingly causes the death of another
9		person[-]; or
10	(b)	With the intent to do serious bodily injury to another
11		person, performs acts that cause the death of that
12		person.
13	(2)	Murder in the second degree is a felony for which the
14	defendant	shall be sentenced to imprisonment as provided in
15	section 70	06-656."

PART II



16

1 SECTION 2. Section 707-700, Hawaii Revised Statutes, is 2 amended by adding a new definition to be appropriately inserted 3 and to read as follows: 4 ""Simulated firearm" means any object that: (1) 5 Substantially resembles a firearm; (2) 6 Can reasonably be perceived to be a firearm; or 7 (3) Is used or brandished as a firearm." 8 SECTION 3. Section 707-716, Hawaii Revised Statutes, is 9 amended by amending subsection (1) to read as follows: 10 "(1) A person commits the offense of terroristic 11 threatening in the first degree if the person commits 12 terroristic threatening: 13 (a) By threatening another person on more than one 14 occasion for the same or a similar purpose; 15 (b) By threats made in a common scheme against different 16 persons; 17 (C) Against a public servant arising out of the 18 performance of the public servant's official duties. 19 For the purposes of this paragraph, "public servant" 20 includes but is not limited to an educational worker. 21 "Educational worker" has the same meaning as defined 22 in section 707-711;

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1	(d)	Against any emergency medical services personnel who
2		is engaged in the performance of duty. For purposes
3		of this paragraph, "emergency medical services
4		personnel" shall have the same meaning as in section
5		321-222; or
6	(e)	With the use of a dangerous instrument or a simulated
7		firearm."
8	SECT	ION 4. Section 708-800, Hawaii Revised Statutes, is
9	amended b	y adding a new definition to be appropriately inserted
10	and to re	ad as follows:
11	" <u>"Si</u>	mulated firearm" means any object that:
12	(1)	Substantially resembles a firearm;
13	(2)	Can reasonably be perceived to be a firearm; or
14	(3)	Is used or brandished as a firearm."
15	SECT	TION 5. Section 708-840, Hawaii Revised Statutes, is
16	amended b	by amending subsection (1) to read as follows:
17	"(1)	A person commits the offense of robbery in the first
18	degreeif	, in the course of committing theft or non-consensual
19	taking of	a motor vehicle:
20	(a)	The person attempts to kill another or intentionally
21		or knowingly inflicts or attempts to inflict serious
22		bodily injury upon another;
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1	(b)	The person is armed with a dangerous instrument <u>or a</u>
2		simulated firearm and:
3		(i) The person uses force against the person of
4		anyone present with intent to overcome that
5		person's physical resistance or physical power of
6		resistance; or
7		(ii) The person threatens the imminent use of force
8		against the person of anyone present with intent
9		to compel acquiescence to the taking of or
10		escaping with the property;
11	(c)	The person uses force against the person of anyone
12		present with the intent to overcome that person's
13		physical resistance or physical power of resistance
14		during the time of a civil defense emergency
15		proclaimed by the governor pursuant to chapter 128,
16		within the area covered by the civil defense emergency
17		or during the period of disaster relief under chapter
18	~	127; or
19	(d)	The person threatens the imminent use of force against
20		the person of anyone present with intent to compel
21		acquiescence to the taking of or escaping with the
22		property during the time of a civil defense emergency
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1	proclaimed by the governor pursuant to chapter 128,
2	within the area covered by the civil defense emergency
3	or during the period of disaster relief under chapter
4	127."
5	PART III
6	SECTION 6. This Act does not affect rights and duties that
7	matured, penalties that were incurred, and proceedings that were
8	begun before its effective date.
9	SECTION 7. Statutory material to be repealed is bracketed
10	and stricken. New statutory material is underscored.
11	SECTION 8. This Act shall take effect on September 14,
12	2047.
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Report Title:

Criminal Homicide; Simulated Firearm

Description:

Includes in the offense of murder in the second degree acts committed with the intent to cause serious bodily injury to another person, which result in the death of that person. Defines "simulated firearm" and makes the use of a simulated firearm during a robbery a robbery in the first degree and while committing an act of terroristic threatening a terroristic threatening in the first degree. Effective September 14, 2047. (SD1)

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

