

JAN 22 2016

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# A BILL FOR AN ACT

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RELATING TO SENTENCING.

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

1       SECTION 1. Chapter 706, Hawaii Revised Statutes, is  
2 amended by adding a new section to part I to be appropriately  
3 designated and to read as follows:

4       "§706-       Sentencing in offenses involving assault  
5 committed in the presence of the victim's minor child. In  
6 addition to the factors considered under section 706-606, the  
7 court shall consider the following aggravating factors in  
8 determining the particular sentence to be imposed:

9       (a) The defendant has been convicted of committing or  
10       attempting to commit an offense under section 707-710  
11       (assault in the first degree), 707-711 (assault in the  
12       second degree), or 707-730 (sexual assault in the  
13       first degree); and

14       (b) The offense contemporaneously occurred in the actual  
15       physical presence of a minor child of the victim or  
16       with the defendant's knowledge that a minor child of



1            the victim was present and might hear or see the  
2            offense."

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

6            SECTION 3. New statutory material is underscored.

7            SECTION 4. This Act shall take effect upon its approval.  
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# S.B. NO. 2247

**Report Title:**

Criminal Sentencing; Assault Committed in the Presence of  
Victim's Minor Child

**Description:**

Provides that the commission of certain offenses of assault in  
the presence of the victim's minor child is an aggravating  
factor in the sentencing of the defendant convicted of the  
offense.

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

