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# A BILL FOR AN ACT

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RELATING TO LESSER INCLUDED OFFENSES.

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

1       SECTION 1. Section 701-109, Hawaii Revised Statutes, is  
2 amended by amending subsection (4) to read as follows:

3       "(4) A defendant may be convicted of an offense included  
4 in an offense charged in the felony complaint, indictment, or  
5 ~~[the]~~ information. An offense is so included when:

6       (a) It is established by proof of the same or less than  
7 all the facts required to establish the commission of  
8 the offense charged;

9       (b) It consists of an attempt to commit the offense  
10 charged or to commit an offense otherwise included  
11 therein; or

12       (c) It differs from the offense charged only in the  
13 respect that a less serious injury or risk of injury  
14 to the same person, property, or public interest or a  
15 different state of mind indicating lesser degree of  
16 culpability suffices to establish its commission."



1       SECTION 2. Statutory material to be repealed is bracketed  
2 and stricken. New statutory material is underscored.

3       SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Honolulu Prosecuting Attorney Package; Criminal Procedure;  
Crimes; Felony Complaint

**Description:**

Clarifies that defendants may be convicted of lesser included  
offenses in cases filed via felony complaints. (HB1777 HD1)

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not legislation or evidence of legislative intent.*

