

JAN 25 2017

A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. The legislature finds that perpetrators of
2 criminal misdemeanors and petty misdemeanors are radically
3 changing Hawaii from a paradise where no one locks their doors,
4 to a state where theft, trespassing, expropriating public
5 spaces, illegally dumping trash and human waste, graffiti
6 vandalism, and many other "minor offenses" are undermining the
7 quality of life. Under the current administration, sentences
8 are too short to deter malicious conduct, and not long enough to
9 rehabilitate offenders through alternative sentencing.

10 The legislature further finds that many persons
11 disadvantaged by mental illness, substance addiction,
12 homelessness, or other catastrophic life events place the State
13 in an untenable position. Pursuant to federal law, these
14 persons have a right to refuse psychiatric care, shelter, and
15 other forms of assistance. Many of the individuals hindered by
16 the disadvantages enumerated above sometimes find it difficult



1 to live their daily lives without breaking the law, and are
2 inadvertently infringing on the constitutional rights of others.

3 The purpose of this Act, which shall be known as the "Tough
4 Love Act", is twofold:

5 (1) Allow courts to impose an enhanced sentence of not
6 less than one year and not more than five years of
7 imprisonment on a person convicted of a misdemeanor or
8 petty misdemeanor, if the person has ten or more prior
9 convictions for a petty misdemeanor or higher grade of
10 offense, in any combination and from any jurisdiction
11 during the person's lifetime; and

12 (2) Simultaneously allow courts to order alternative
13 sentencing for qualifying disadvantaged persons.

14 SECTION 2. Section 706-663, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "§706-663 Sentence of imprisonment for misdemeanor and
17 petty misdemeanor. After consideration of the factors set forth
18 in sections 706-606 and 706-621, the court may sentence a person
19 who has been convicted of a misdemeanor or a petty misdemeanor
20 to:



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1 (1) [~~imprisonment~~] Imprisonment for a definite term to be
2 fixed by the court and not to exceed one year in the
3 case of a misdemeanor or thirty days in the case of a
4 petty misdemeanor, subject to earlier release pursuant
5 to section 353-36 [-]; or

6 (2) Imprisonment for a definite term to be fixed by the
7 court of not less than one year and not more than five
8 years, subject to earlier release pursuant to section
9 353-36 and alternative sentencing pursuant to section
10 706-605.1, if the person has ten or more prior
11 convictions for a petty misdemeanor or higher grade of
12 offense, in any combination and from any jurisdiction
13 during the person's lifetime."

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

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



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1 SECTION 5. This Act shall take effect on July 1, 2017.

2

INTRODUCED BY: Breem Hunt



S.B. NO. 1274

Report Title:

Penal Code; Sentencing; "Tough Love Act"

Description:

Allows a court to sentence a person convicted of a misdemeanor or petty misdemeanor offense to a term of imprisonment of 1 to 5 years, if the person has 10 or more prior convictions for a petty misdemeanor or higher grade of offense, subject to earlier release and alternative sentencing opportunities.

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

