

JAN 19 2018

A BILL FOR AN ACT

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."



S.B. NO. 2180

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 Statutory material to be repealed is bracketed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 upon its approval.

4

INTRODUCED BY:

[Handwritten Signature]
By Request



S.B. NO. 2180

Report Title:

Honolulu Prosecuting Attorney Package; Criminal Procedure;
Crimes

Description:

Clarifies the definition of an included offense to expressly
include offenses charged via felony complaint.

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

