

JAN 19 2018

A BILL FOR AN ACT

RELATING TO MANSLAUGHTER.

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

1 SECTION 1. This Act shall be known and may be cited as the
2 "Peter Boy Kema Act".

3 SECTION 2. The legislature finds that it is necessary to
4 remove the statute of limitations on the offense of manslaughter
5 to protect victims of crime and close a potential loophole in
6 Hawaii's criminal justice system.

7 The legislature further finds that Peter Kema, Sr., and
8 Jaylin Kema plead guilty to manslaughter and hindering
9 prosecution for the 1997 death of their child, Peter Kema, Jr.,
10 also known as "Peter Boy" and "Pepe". If the Kema's had stood
11 trial for Peter Boy's murder and if the jury had returned a
12 manslaughter verdict, which would have been possible if the jury
13 had found that the death was caused recklessly instead of
14 intentionally, they would have walked free because the statute
15 of limitations on manslaughter had expired.

16 The legislature additionally finds that in cold case
17 investigations and prosecutions such as Peter Boy's case, a



1 statute of limitations on the offense of manslaughter can result
2 in those responsible escaping justice.

3 The purpose of this Act is to repeal the statute of
4 limitations on the offense of manslaughter.

5 SECTION 3. Section 701-108, Hawaii Revised Statutes, is
6 amended by amending subsections (1) and (2) to read as follows:

7 "(1) A prosecution for murder, murder in the first and
8 second degrees, attempted murder, and attempted murder in the
9 first and second degrees, criminal conspiracy to commit murder
10 in any degree, criminal solicitation to commit murder in any
11 degree, manslaughter where the death was not caused by the
12 operation of a motor vehicle, sexual assault in the first and
13 second degrees, and continuous sexual assault of a minor under
14 the age of fourteen years may be commenced at any time.

15 (2) Except as otherwise provided in this section,
16 prosecutions for other offenses are subject to the following
17 periods of limitation:

18 ~~[(a) A prosecution for manslaughter where the death was not~~
19 ~~caused by the operation of a motor vehicle must be~~
20 ~~commenced within ten years after it is committed,~~



- 1 ~~(b)~~ (a) A prosecution for a class A felony must be
- 2 commenced within six years after it is committed;
- 3 ~~(c)~~ (b) A prosecution for any felony under part IX of
- 4 chapter 708 must be commenced within five years after
- 5 it is committed;
- 6 ~~(d)~~ (c) A prosecution for any other felony must be
- 7 commenced within three years after it is committed;
- 8 ~~(e)~~ (d) A prosecution for a misdemeanor or parking
- 9 violation must be commenced within two years after it
- 10 is committed; and
- 11 ~~(f)~~ (e) A prosecution for a petty misdemeanor or a
- 12 violation other than a parking violation must be
- 13 commenced within one year after it is committed."

14 SECTION 4. This Act does not affect rights and duties that
15 matured, penalties that were incurred, and proceedings that were
16 began before its effective date.

17 SECTION 5. Statutory material to be repealed is bracketed
18 and stricken. New statutory material is underscored.

19 SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY:



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S.B. NO. 2322

Report Title:

Manslaughter; Statute of Limitations; Repeal

Description:

Repeals the statute of limitations for manslaughter where the death was not caused by the operation of a motor vehicle.

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