

JAN 19 2018

A BILL FOR AN ACT

RELATING TO THE HAWAII PENAL CODE.

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

SECTION 1. Chapter 710, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

"§710- Resisting an order to stop a motor vehicle under unauthorized control. (1) A person commits the offense of resisting an order to stop a motor vehicle under unauthorized control if the person:

(a) Intentionally fails to obey a direction of a law enforcement officer, acting under color of the law enforcement officer's official authority to stop the vehicle; and

(b) The person is operating the motor vehicle in violation of section 708-836.

(2) Resisting an order to stop a motor vehicle under unauthorized control is a class B felony."

SECTION 2. Section 706-606.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:



"(1) Notwithstanding section 706-669 and any other law to the contrary, any person convicted of murder in the second degree, any class A felony, any class B felony, or any of the following class C felonies:

(a) Section 134-7 relating to persons prohibited from owning, possessing, or controlling firearms or ammunition;

(b) Section 134-8 relating to ownership, etc., of certain prohibited weapons;

(c) Section 134-17 only as it relates to providing false information or evidence to obtain a permit under section 134-9;

(d) Section 188-23 relating to possession or use of explosives, electrofishing devices, and poisonous substances in state waters;

(e) Section 386-98(d)(1) relating to fraud violations and penalties;

(f) Section 431:2-403(b)(2) relating to insurance fraud;

(g) Section 707-703 relating to negligent homicide in the second degree;



- 1 (h) Section 707-711 relating to assault in the second
- 2 degree;
- 3 (i) Section 707-713 relating to reckless endangering in
- 4 the first degree;
- 5 (j) Section 707-716 relating to terroristic threatening in
- 6 the first degree;
- 7 (k) Section 707-721 relating to unlawful imprisonment in
- 8 the first degree;
- 9 (l) Section 707-732 relating to sexual assault in the
- 10 third degree;
- 11 (m) Section 707-752 relating to promoting child abuse in
- 12 the third degree;
- 13 (n) Section 707-757 relating to electronic enticement of a
- 14 child in the second degree;
- 15 (o) Section 707-766 relating to extortion in the second
- 16 degree;
- 17 (p) Section 708-811 relating to burglary in the second
- 18 degree;
- 19 (q) Section 708-821 relating to criminal property damage
- 20 in the second degree;



1 (r) Section 708-831 relating to theft in the second
2 degree;

3 (s) Section 708-835.5 relating to theft of livestock;

4 [~~(t)~~] ~~Section 708-836 relating to unauthorized control of~~
5 ~~propelled vehicle;~~

6 ~~(u)~~ (t) Section 708-839.55 relating to unauthorized
7 possession of confidential personal information;

8 [~~(v)~~] (u) Section 708-839.8 relating to identity theft in
9 the third degree;

10 [~~(w)~~] (v) Section 708-852 relating to forgery in the second
11 degree;

12 [~~(x)~~] (w) Section 708-854 relating to criminal possession
13 of a forgery device;

14 [~~(y)~~] (x) Section 708-875 relating to trademark
15 counterfeiting;

16 [~~(z)~~] (y) Section 710-1071 relating to intimidating a
17 witness;

18 [~~(aa)~~] (z) Section 711-1103 relating to riot;

19 [~~(bb)~~] (aa) Section 712-1221 relating to promoting gambling
20 in the first degree;



1 (~~ee~~) (bb) Section 712-1224 relating to possession of
2 gambling records in the first degree;

3 [~~dd~~] (cc) Section 712-1247 relating to promoting a
4 detrimental drug in the first degree; or

5 (~~ee~~) (dd) Section 846E-9 relating to failure to comply
6 with covered offender registration requirements,

7 or who is convicted of attempting to commit murder in the second
8 degree, any class A felony, any class B felony, or any of the
9 class C felony offenses enumerated above and who has a prior
10 conviction or prior convictions for the following felonies,
11 including an attempt to commit the same: murder, murder in the
12 first or second degree, a class A felony, a class B felony, any
13 of the class C felony offenses enumerated above, or any felony
14 conviction of another jurisdiction, shall be sentenced to a
15 mandatory minimum period of imprisonment without possibility of
16 parole as provided in subsection (2)."

17 SECTION 3. Section 708-836, Hawaii Revised Statutes, is
18 amended by amending subsection (5) to read as follows:

19 "(5) Unauthorized control of a propelled vehicle is a
20 class [E] B felony."



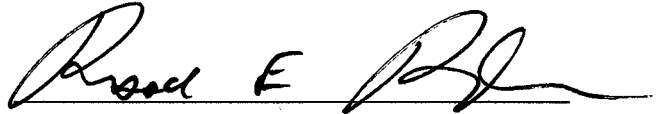
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1 SECTION 4. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

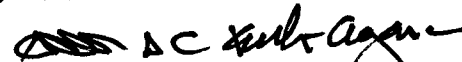
4 SECTION 5. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

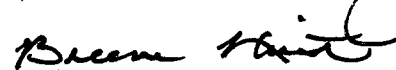
6 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY:





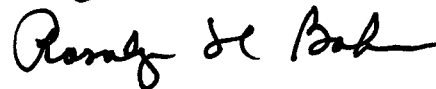






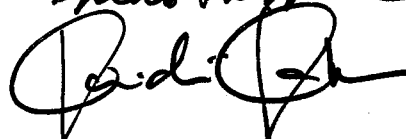














S.B. NO. 2453

Report Title:

Vehicle Theft; Resisting an Order to Stop a Motor Vehicle;
Penalties

Description:

Creates the offense of resisting an order to stop a motor vehicle under unauthorized control. Makes new offense a class B felony. Makes it a class B felony to exert unauthorized control of a propelled vehicle.

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

