
A BILL FOR AN ACT

RELATING TO ROBBERY IN THE FIRST DEGREE.

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

1 SECTION 1. The legislature finds that the Hawaii Penal
2 Code does not adequately address potential situations in which
3 offenders will utilize electric guns to facilitate crimes. On
4 January 1, 2022, it became legal for many members of the public
5 to buy and possess electric guns.

6 Electric guns can cause severe pain and completely
7 incapacitate a person. Criminals will begin to use these
8 devices against others to facilitate crimes as they become more
9 prevalent in the community. While the effect of electric guns
10 can be severe, the incapacitation can also be momentary and may
11 not result in death or serious bodily injury. Once the use of
12 an electric gun against a person stops, it is likely that the
13 residual injuries would be lesser than would occur had a similar
14 level of incapacitation or pain been inflicted on a victim by
15 other means.

16 The Penal Code frequently utilizes residual injury or
17 incapacitation as a key determining factor for the level of



1 severity and resulting penalty for a crime. Electric guns will
2 allow criminals to achieve unprecedented incapacitation of a
3 person and potentially avoid residual injury to the victim,
4 resulting in lower penalties for the crime.

5 For these reasons, the legislature further finds that
6 specifying the use or threatened use of an electric gun during
7 the course of committing a robbery under this particular offense
8 is necessary and may have a long-term deterrent effect that
9 creates a safer environment for the community.

10 Accordingly, the purpose of this Act is to amend the
11 offense of robbery in the first degree to include as part of
12 this offense being armed with or using an electric gun during
13 the course of a theft or non-consensual taking of a motor
14 vehicle.

15 SECTION 2. Section 708-840, Hawaii Revised Statutes, is
16 amended by amending subsections (1) and (2) to read as follows:

17 "(1) A person commits the offense of robbery in the first
18 degree if, in the course of committing theft or non-consensual
19 taking of a motor vehicle:



1 (a) The person attempts to kill another or intentionally
2 or knowingly inflicts or attempts to inflict serious
3 bodily injury upon another;

4 (b) The person is armed with a dangerous instrument, an
5 electric gun, or a simulated firearm and:

6 (i) The person uses force against the person of
7 anyone present with intent to overcome that
8 person's physical resistance or physical power of
9 resistance; or

10 (ii) The person threatens the imminent use of force
11 against the person of anyone present with intent
12 to compel acquiescence to the taking of or
13 escaping with the property;

14 (c) The person uses force against the person of anyone
15 present with the intent to overcome that person's
16 physical resistance or physical power of resistance
17 during an emergency period proclaimed by the governor
18 or mayor pursuant to chapter 127A, within the area
19 covered by the emergency or disaster; or

20 (d) The person threatens the imminent use of force against
21 the person of anyone present with intent to compel



1 acquiescence to the taking of or escaping with the
2 property during an emergency period proclaimed by the
3 governor or mayor pursuant to chapter 127A, within the
4 area covered by the emergency or disaster.

5 (2) As used in this section:

6 "Dangerous instrument" means any firearm, whether loaded or
7 not, and whether operable or not, or other weapon, device,
8 instrument, material, or substance, whether animate or
9 inanimate, which in the manner it is used or threatened to be
10 used is capable of producing death or serious bodily injury.

11 "Electric gun" shall have the same meaning as in section
12 134-81.

13 "Simulated firearm" means any object that:

- 14 (a) Substantially resembles a firearm;
15 (b) Can reasonably be perceived to be a firearm; or
16 (c) Is used or brandished as a firearm."

17 SECTION 3. This Act does not affect rights and duties that
18 matured, penalties that were incurred, and proceedings that were
19 begun before its effective date.

20 SECTION 4. New statutory material is underscored.

21 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Honolulu Police Department Package; Penal Code; Robbery;
Electric Guns

Description:

Amends the offense of robbery in the first degree to include a person committing theft or unlawful taking of a motor vehicle while being armed with an electric gun. (SD1)

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