
A BILL FOR AN ACT

RELATING TO MURDER.

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

1 SECTION 1. Section 707-701, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of murder in the first
4 degree if the person intentionally or knowingly causes the death
5 of:

6 (a) More than one person in the same or separate incident;

7 (b) A law enforcement officer, judge, or prosecutor
8 arising out of the performance of official duties;

9 (c) A person known by the defendant to be a witness in a
10 criminal prosecution and the killing is related to the
11 person's status as a witness;

12 (d) A person by a hired killer, in which event both the
13 person hired and the person responsible for hiring the
14 killer shall be punished under this section;

15 (e) A person while the defendant was imprisoned;

16 (f) A person from whom the defendant has been restrained,
17 by order of any court, including an ex parte order,



1 from contacting, threatening, or physically abusing
2 pursuant to chapter 586;

3 (g) A person who is being protected by a police officer
4 ordering the defendant to leave the premises of that
5 protected person pursuant to section 709-906(4),
6 during the effective period of that order;

7 (h) A person known by the defendant to be a witness in a
8 family court proceeding and the killing is related to
9 the person's status as a witness; [~~or~~]

10 (i) A person whom the defendant restrained with intent to:

11 (i) Hold the person for ransom or reward; or

12 (ii) Use the person as a shield or hostage[~~or~~];

13 (j) A person who is less than ten years old;

14 (k) A person who is pregnant; or

15 (l) A person where the defendant's actions were especially
16 heinous, atrocious, or cruel, manifesting exceptional
17 depravity. As used in this paragraph, the phrase
18 "especially heinous, atrocious, or cruel, manifesting
19 exceptional depravity" means a crime of a
20 conscienceless or pitiless nature which is
21 unnecessarily torturous to a victim."



1 SECTION 2. 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 3. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 4. This Act shall take effect on July 30, 2075.



Report Title:

Murder; Exceptional Depravity; Pregnant Mother; Child; Minor

Description:

Amends provisions relating to first degree murder. Adds a person commits the offense of first degree murder if the person knowingly or intentionally causes the death of another person that is less than ten years old or pregnant. Adds a person commits the offense of first degree murder if the murder was especially heinous, atrocious, or cruel manifesting exceptional depravity. Takes effect 7/30/2075. (SD1)

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