

JAN 19 2022

A BILL FOR AN ACT

RELATING TO CHILD ABUSE.

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

1 SECTION 1. Chapter 709, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§709- Continuous abuse of a minor under the age of
5 sixteen years; requisite number of acts; penalty. (1) A person
6 commits the offense of continuous abuse of a minor under the age
7 of sixteen years if the person:

8 (a) Is a parent or legal guardian of, resides in the same
9 home with, or has recurring access to, a minor under
10 the age of sixteen years; and

11 (b) While the minor is under the age of sixteen years,
12 engages in three or more acts resulting in bodily
13 injury to the minor over a period of time.

14 (2) To convict under this section, the trier of fact, if a
15 jury, need unanimously agree only that the requisite number of
16 acts have occurred; the jury need not agree on which acts
17 constitute the requisite number.



1 (3) No other offense involving the same victim that also
2 involves abuse of a family or household member under section
3 709-906 or any offense involving bodily injury as defined in
4 section 707-700, may be charged in the same proceeding with a
5 charge under this section, unless the other charged offense
6 occurred outside the period of the offense charged under this
7 section, or the other offense is charged in the alternative. A
8 defendant may be charged with only one count under this section,
9 unless more than one victim is involved, in which case a
10 separate count may be charged for each victim.

11 (4) Continuous abuse of a minor under the age of sixteen
12 years is a class C felony."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect upon its approval
18 and upon ratification of a constitutional amendment allowing the
19 legislature, in cases involving crimes against minors, to define
20 what behavior constitutes a continuing course of conduct, and



1 what constitutes the jury unanimity that is required for a
2 conviction.
3

INTRODUCED BY: *Wm H. Hoff*
By Request



S.B. NO. 2093

Report Title:

Honolulu Prosecuting Attorney's Office Package; Criminal Offenses; Continuous Abuse of a Minor

Description:

Adds a new section to Chapter 709, HRS, to criminalize continuous abuse of a minor under the age of 16 years. Effective upon ratification of constitutional amendment.

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

