

JAN 19 2022

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# 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 State's 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.

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

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

19 (a) The person attempts to kill another or intentionally  
20 or knowingly inflicts or attempts to inflict serious  
21 bodily injury upon another;



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

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

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

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

17 (d) The person threatens the imminent use of force against  
18 the person of anyone present with intent to compel  
19 acquiescence to the taking of or escaping with the  
20 property during an emergency period proclaimed by the



governor or mayor pursuant to chapter 127A, within the  
area covered by the emergency or disaster.

(2) As used in this section:

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

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

"Simulated firearm" means any object that:

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

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

SECTION 4. New statutory material is underscored.



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

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INTRODUCED BY: \_\_\_\_\_

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By Request



# S.B. NO. 2119

**Report Title:**

Honolulu Police Department Package; Penal Code; Robbery in the First Degree

**Description:**

Amends the offense of robbery in the first degree to include being armed with an electric gun.

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

