
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. The legislature finds that although many people
2 from all socioeconomic groups break laws, only a few become
3 persistent offenders who habitually commit crimes, including
4 crimes of a violent nature. A pattern of convictions for
5 violent behavior correlates to a likelihood of similar repeat
6 offenses in the future. Therefore, repeat violent offenders
7 pose a danger to the community. Legislatures have enacted laws
8 to allow prosecutors to charge offenders with repeat violent
9 convictions, as a felony, if the offenders commit the same or
10 similar offense within a given timeframe. In Hawaii, for
11 example, the third or any subsequent offense of abuse of a
12 family or household member would result in the charging of a
13 class C felony, and the offense of habitual property crime is a
14 class C felony for persons who, within ten years of the instant
15 offense, have multiple property crime convictions.

16 Accordingly, the purpose of this Act is to establish the
17 offense of habitual violent crime, to allow the prosecution to



1 charge a person who, within five years of the instant offense,
2 had been convicted of three or more violent misdemeanors or
3 felonies, with a class C felony.

4 SECTION 2. Chapter 707, Hawaii Revised Statutes, is
5 amended by adding a new section to be appropriately designated
6 and to read as follows:

7 "§707- Habitual violent crime. (1) A person commits
8 the offense of habitual violent crime if the person is a
9 habitual violent crime perpetrator and commits:

10 (a) Assault in the third degree under section 707-712 that
11 is categorized as a misdemeanor;

12 (b) Assault against a law enforcement officer in the
13 second degree under section 707-712.6;

14 (c) Sexual assault in the fourth degree under section
15 707-733; or

16 (d) Abuse of a family or household member under section
17 709-906(1).

18 (2) For the purposes of this section, "habitual violent
19 crime perpetrator" means a person who, within five years of the
20 instant offense, has convictions for any combination of three or
21 more of the following offenses set forth in sections 707-710,



1 707-711, 707-712, 707-712.5, 707-712.6, 707-730, 707-731, 707-
2 732, 707-733, and 709-906; provided that the convictions were
3 not for offenses categorized as petty misdemeanors. The
4 convictions shall be for separate incidents on separate dates.
5 The prosecution shall not be required to prove any state of mind
6 with respect to the person's status as a habitual violent crime
7 perpetrator. Proof that the person has the requisite minimum
8 prior convictions shall be sufficient to establish this element.

9 (3) Habitual violent misdemeanor crime shall be a class C
10 felony.

11 (4) For a conviction under this section, the sentence
12 shall be either:

13 (a) An indeterminate term of imprisonment of five years;
14 provided that the minimum term of imprisonment shall
15 be no less than one year; or

16 (b) A term of probation of five years, with conditions to
17 include but not be limited to one year of
18 imprisonment; provided that probation shall only be
19 available for a first conviction under this section."

20 SECTION 3. (a) The department of the attorney general
21 shall submit an annual report to the legislature no later than



1 twenty days prior to the convening of the regular sessions of
2 2025 and 2026 that includes the number of convictions under
3 section 707- , Hawaii Revised Statutes, as added by section 2
4 of this Act.

5 (b) No later than December 1 of 2024 and 2025, the
6 prosecuting attorney of each county shall provide the department
7 of the attorney general with the data to enable the department
8 to complete the report under subsection (a).

9 SECTION 4. This Act does not affect rights and duties that
10 matured, penalties that were incurred, and proceedings that were
11 begun before its effective date.

12 SECTION 5. New statutory material is underscored.

13 SECTION 6. This Act shall take effect on July 1, 3000, and
14 shall be repealed on June 30, 2026.



Report Title:

Habitual Violent Crime; Criminal Law

Description:

Establishes the offense of habitual violent crime. Requires the Department of the Attorney General to submit a report to the Legislature before the Regular Sessions of 2025 and 2026. Requires the prosecuting attorney of each county to submit data to the Department of the Attorney General for the purposes of the reports. Effective 7/1/3000. Sunsets 6/30/2026. (HD1)

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