
A BILL FOR AN ACT

RELATING TO SEX TRAFFICKING.

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

1 SECTION 1. Section 706-662, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§706-662 Criteria for extended terms of imprisonment.** A
4 defendant who has been convicted of a felony may be subject to
5 an extended term of imprisonment under section 706-661 if it is
6 proven beyond a reasonable doubt that an extended term of
7 imprisonment is necessary for the protection of the public and
8 that the convicted defendant satisfies one or more of the
9 following criteria:

10 (1) The defendant is a persistent offender in that the
11 defendant has previously been convicted of two or more
12 felonies committed at different times when the
13 defendant was eighteen years of age or older;

14 (2) The defendant is a professional criminal in that:

15 (a) The circumstances of the crime show that the
16 defendant has knowingly engaged in criminal
17 activity as a major source of livelihood; or



1 (b) The defendant has substantial income or resources
2 not explained to be derived from a source other
3 than criminal activity;

4 (3) The defendant is a dangerous person in that the
5 defendant has been subjected to a psychiatric or
6 psychological evaluation that documents a significant
7 history of dangerousness to others resulting in
8 criminally violent conduct, and this history makes the
9 defendant a serious danger to others. Nothing in this
10 section precludes the introduction of victim-related
11 data to establish dangerousness in accord with the
12 Hawaii rules of evidence;

13 (4) The defendant is a multiple offender in that:

14 (a) The defendant is being sentenced for two or more
15 felonies or is already under sentence of
16 imprisonment for any felony; or

17 (b) The maximum terms of imprisonment authorized for
18 each of the defendant's crimes, if made to run
19 consecutively, would equal or exceed in length
20 the maximum of the extended term imposed or would



1 equal or exceed forty years if the extended term
2 imposed is for a class A felony;

3 (5) The defendant is an offender against the elderly,
4 handicapped, or a minor eight years of age or younger
5 in that:

6 (a) The defendant attempts or commits any of the
7 following crimes: murder, manslaughter, a sexual
8 offense that constitutes a felony under chapter
9 707, robbery, felonious assault, burglary, or
10 kidnapping; and

11 (b) The defendant, in the course of committing or
12 attempting to commit the crime, inflicts serious
13 or substantial bodily injury upon a person who
14 has the status of being:

15 (i) Sixty years of age or older;

16 (ii) Blind, a paraplegic, or a quadriplegic; or

17 (iii) Eight years of age or younger; and

18 the person's status is known or reasonably should
19 be known to the defendant;

20 (6) The defendant is a hate crime offender in that:



- 1 (a) The defendant is convicted of a crime under
2 chapter 707, 708, or 711; and
- 3 (b) The defendant intentionally selected a victim or,
4 in the case of a property crime, the property
5 that was the object of a crime, because of
6 hostility toward the actual or perceived race,
7 religion, disability, ethnicity, national origin,
8 gender identity or expression, or sexual
9 orientation of any person. For purposes of this
10 subsection, "gender identity or expression"
11 includes a person's actual or perceived gender,
12 as well as a person's gender identity, gender-
13 related self-image, gender-related appearance, or
14 gender-related expression, regardless of whether
15 that gender identity, gender-related self-image,
16 gender-related appearance, or gender-related
17 expression is different from that traditionally
18 associated with the person's sex at birth; [~~or~~]
- 19 (7) The defendant is convicted under section 707-702.5 and
20 the defendant did not remain at the scene of the crime
21 and render reasonable assistance to an injured person,



1 including acts and omissions in violation of section
2 291C-12[-]; or
3 (8) Notwithstanding section 706-606.6, the defendant is
4 convicted under section 712-1202 and the victim is a
5 minor, Native Hawaiian, was transported by the
6 defendant between the islands of the State for the
7 purposes of sex trafficking, or was transported by the
8 defendant across state lines for the purposes of sex
9 trafficking.

10 For purposes of this section, "Native Hawaiian" means any
11 descendant of the aboriginal peoples inhabiting the Hawaiian
12 islands which exercised sovereignty and subsisted in the
13 Hawaiian islands in 1778, and which peoples thereafter have
14 continued to reside in Hawaii."

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

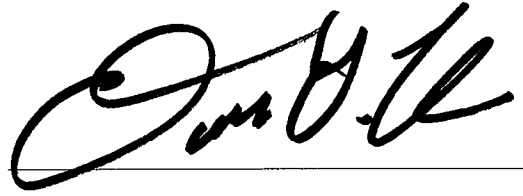
18 SECTION 3. Statutory material to be repealed is bracketed
19 and stricken. New statutory material is underscored.

20 SECTION 4. This Act shall take effect upon its approval.

21



H.B. NO. 1574



INTRODUCED BY:

JAN 16 2024



H.B. NO. 1574

Report Title:

Sex Trafficking; Enhanced Sentencing

Description:

Permits the courts to consider enhanced sentencing for defendants convicted of sex trafficking if the victim was a minor, Native Hawaiian, or transported between islands or across state lines for the purposes of sex trafficking.

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

