
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 Hawaii has one of
2 the highest rates of homelessness in the nation, with forty-six
3 out of every ten thousand persons in Hawaii being reported as
4 homeless. The legislature further finds that in addition to
5 posing a direct risk to the health and safety of affected
6 individuals, homelessness also serves as an added stressor or
7 contributing factor in many crimes. The legislature also finds
8 that there is growing concern about recurrent violent crimes
9 committed by unsheltered persons and a "three strikes" law would
10 allow for special sentencing for individuals with a record of
11 committing violent crimes.

12 The legislature additionally finds that Weed & Seed Hawaii,
13 Inc., a community-based organization that works with law
14 enforcement to reduce crime in communities and develop community
15 solutions to crimes in neighborhoods, has site programs located
16 in central Honolulu, Waipahu, and Ewa and Ewa Beach on the
17 island of Oahu. Furthermore, the legislature finds that



1 homelessness is a multifaceted issue and expanding various
 2 existing initiatives that target specific aspects of
 3 homelessness, particularly reducing crime and improving access
 4 to services, is an important step in addressing this crisis in
 5 Hawaii.

6 Therefore, the purpose of this Act is to require:

- 7 (1) Special sentencing of habitual violent felons; and
- 8 (2) The department of law enforcement, in collaboration
 9 with the statewide office on homelessness and housing
 10 solutions established pursuant to section 346-386,
 11 Hawaii Revised Statutes, to work with Weed & Seed
 12 Hawaii, Inc., to expand Weed & Seed Hawaii, Inc.'s
 13 site programs to a statewide reach, beginning with the
 14 Waianae coast of Oahu.

15 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
 16 amended by adding a new section to be appropriately designated
 17 and to read as follows:

18 **"§706- Special sentencing of habitual violent felons.**

19 (1) Notwithstanding any other provision of law to the contrary,
 20 a habitual violent felon shall be sentenced to both:



1 (a) A mandatory minimum term of imprisonment of not less
2 than thirty years; and

3 (b) A mandatory indeterminate term of life imprisonment.

4 (2) A habitual violent felon shall not be eligible for
5 parole before serving the mandatory minimum term under
6 subsection (1) or (2), as applicable.

7 (3) Except for work furlough programs in the final year of
8 a sentence that require incarceration during the time the inmate
9 is not working or traveling to or from work, a habitual violent
10 felon shall not be eligible for pre-release, furlough, or other
11 modified terms of imprisonment without the written authorization
12 of the governor, which authorization shall not be delegable.

13 (4) For purposes of this section, an individual is a
14 "habitual violent felon" if:

15 (a) The defendant is at least eighteen years old at the
16 time the defendant committed the current offense;

17 (b) The current conviction is for murder in the second
18 degree or any class A or class B felony that is a
19 crime of violence;

20 (c) The defendant has at least two prior and separate
21 felony convictions for:



- 1 (i) Murder in any degree;
- 2 (ii) Any class A felony or class B felony that is a
- 3 crime of violence; or
- 4 (iii) Any federal offense that is comparable to a crime
- 5 of violence as defined in subsection (6), or any
- 6 federal or out-of-state offense that under the
- 7 laws of this State would be a crime of violence
- 8 as defined in subsection (6); and
- 9 (d) Either the current conviction or at least one of the
- 10 prior and separate convictions is for an offense other
- 11 than burglary in the first degree.
- 12 (5) This section shall apply only if the prosecuting
- 13 attorney brings before the court a motion to sentence under this
- 14 section that allows the court to advise the defendant of the
- 15 defendant's eligibility for sentencing under this section prior
- 16 to the entry of a verdict of guilty, whether by trial, plea of
- 17 guilty, or plea of no contest. The motion shall set forth the
- 18 date and jurisdiction of occurrence of each prior conviction
- 19 required under subsection (4) (c) and shall specify whether the
- 20 defendant is subject to the following:



- 1 (a) Sentencing of repeat offenders under section 706-
- 2 606.5;
- 3 (b) Repeat violent and sexual offender; enhanced sentence
- 4 under section 706-606.6;
- 5 (c) Enhanced sentence for second degree murder under
- 6 section 706-657; or
- 7 (d) Sentence of imprisonment for felony; extended terms
- 8 under section 706-661.
- 9 (6) For purposes of this section, "crime of violence"
- 10 means:
- 11 (a) Murder in any degree;
- 12 (b) Manslaughter;
- 13 (c) Assault in the first degree;
- 14 (d) Kidnapping;
- 15 (e) Sexual assault in the first degree;
- 16 (f) Sexual assault in the second degree;
- 17 (g) Continuous sexual assault of a minor under the age of
- 18 fourteen years old;
- 19 (h) Robbery in the first degree;
- 20 (i) Robbery in the second degree; and
- 21 (j) Burglary in the first degree."



1 SECTION 3. (a) The department of law enforcement, in
2 collaboration with the statewide office on homelessness and
3 housing solutions established pursuant to section 346-386,
4 Hawaii Revised Statutes, shall work with Weed & Seed Hawaii,
5 Inc., to expand Weed & Seed Hawaii, Inc.'s site programs
6 statewide.

7 (b) The first location for the expansion of site programs
8 pursuant to subsection (a) shall be the Waianae coast of Oahu.

9 (c) No later than twenty days prior to the regular session
10 of 2025, the department of law enforcement, in collaboration
11 with the statewide office on homelessness and housing solutions
12 established pursuant to section 346-386, Hawaii Revised
13 Statutes, shall submit a report to the legislature of its
14 progress in expanding Weed & Seed Hawaii, Inc.'s site programs
15 statewide, beginning with the Waianae coast of Oahu.

16 SECTION 4. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 5. New statutory material is underscored.

20 SECTION 6. This Act shall take effect upon its approval.

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H.B. NO. 2273

INTRODUCED BY: Carl Gut

JAN 22 2024



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Report Title:

Homelessness; Special Sentencing of Habitual Violent Felons;
Expansion of Weed & Seed Site Programs Statewide

Description:

Requires special sentencing of habitual violent felons.
Requires the Department of Law enforcement, in collaboration
with the Statewide Office on Homelessness and Housing Solutions,
to work with Weed & Seed Hawaii, Inc., to expand Weed & Seed
Hawaii, Inc.'s site programs statewide, beginning with the
Waianae Coast of Oahu.

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