H.B. NO. 2116

A BILL FOR AN ACT

RELATING TO CRIMINAL HOMICIDE.

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

1	SECTION 1. Chapter 707, Hawaii Revised Statutes, is
2	amended by adding a new section to part II to be appropriately
3	designated and to read as follows:
4	"§707- Involuntary manslaughter. (1) A person commits
5	the offense of involuntary manslaughter if the person, while
6	violating any provision of this chapter or chapter 134, 709,
7	710, 711, or 712, negligently causes the death of another
8	person.
9	(2) Involuntary manslaughter is a class C felony."
10	SECTION 2. Section 351-32, Hawaii Revised Statutes, is
11	amended to read as follows:
12	"\$351-32 Violent crimes. The crimes to which part III of
13	this chapter applies are the following and no other:
14	(1) Murder in the first degree (section 707-701);
15	(2) Murder in the second degree (section 707-701.5);
16	(3) [Manslaughter] Voluntary manslaughter (section
17	707-702);



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1	(4)	Involuntary manslaughter (section 707-);
2	[-(4)-]	(5) Negligent homicide in the first degree (section
3		707-702.5);
4	[(5)]	(6) Negligent homicide in the second degree (section
5		707-703);
6	[(6)]	(7) Negligent injury in the first degree (section
7		707-705);
8	[-(7)]	(8) Negligent injury in the second degree (section
9		707-706);
10	[(8)]	(9) Assault in the first degree (section 707-710);
11	[(9)]	(10) Assault in the second degree (section 707-711);
12	[(10)]	(11) Assault in the third degree (section 707-712);
13	[(11)]	(12) Kidnapping (section 707-720);
14	[(12)]	(13) Sexual assault in the first degree (section
15		707-730);
16	[(13)]	(14) Sexual assault in the second degree (section
17		707-731);
18	[(14)]	(15) Sexual assault in the third degree (section
19		707-732);
20	[(15)]	(16) Sexual assault in the fourth degree (section
21		707-733);



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1	[(16)] <u>(17)</u> Abuse of family or household members (section
2	709-906);
3	[(17)] <u>(18)</u> Sex trafficking (section 712-1202); and
4	[(18)] <u>(19)</u> Terrorism, as defined in title 18 United States
5	Code section 2331."
6	SECTION 3. Section 707-702, Hawaii Revised Statutes, is
7	amended to read as follows:
8	" \$707-702 [Manslaughter.] <u>Voluntary manslaughter. (1) A</u>
9	person commits the offense of voluntary manslaughter if:
10	(a) The person recklessly causes the death of another
11	person; or
12	(b) The person intentionally causes another person to
13	commit suicide;
14	provided that this section shall not apply to actions taken
15	under chapter 327L.
16	(2) In a prosecution for murder or attempted murder in the
17	first and second degrees it is an affirmative defense, which
18	reduces the offense to voluntary manslaughter or attempted
19	voluntary manslaughter, that the defendant was, at the time the
20	defendant caused the death of the other person, under the
21	influence of extreme mental or emotional disturbance for which



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1 there is a reasonable explanation. The reasonableness of the 2 explanation shall be determined from the viewpoint of a 3 reasonable person in the circumstances as the defendant believed 4 them to be; provided that an explanation that is not otherwise 5 reasonable shall not be determined to be reasonable because of 6 the defendant's discovery, defendant's knowledge, or the 7 disclosure of the other person's actual or perceived gender, 8 gender identity, gender expression, or sexual orientation, 9 including under circumstances in which the other person made an 10 unwanted nonforcible romantic or sexual advance toward the 11 defendant, or in which the defendant and the other person dated 12 or had a romantic relationship. If the defendant's explanation 13 includes the discovery, knowledge, or disclosure of the other 14 person's actual or perceived gender, gender identity, gender 15 expression, or sexual orientation, the court shall instruct the 16 jury to disregard biases or prejudices regarding the other 17 person's actual or perceived gender, gender identity, gender 18 expression, or sexual orientation in reaching a verdict.

19 (3) [Manslaughter] Voluntary manslaughter is a class A
20 felony."

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1	SECTION 4. Sections 286-124, 286-240, 286-245, 286C-1,
2	321-15.2, 327L-18, 346-97, 431:10C-407, 531B-6, 701-108, and
3	706-662, Hawaii Revised Statutes, are amended by substituting
4	the term "manslaughter in any form", or similar term, wherever
5	the term "manslaughter", or similar term, appears, as the
6	context requires.
7	SECTION 5. This Act does not affect rights and duties that
8	matured, penalties that were incurred, and proceedings that were
9	begun before its effective date.
10	SECTION 6. Statutory material to be repealed is bracketed
11	and stricken. New statutory material is underscored.
12	SECTION 7. This Act shall take effect upon its approval.
13	0 - r 00
	INTRODUCED BY:

JAN 2 4 2024

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Report Title:

Hawaii Penal Code; Involuntary Manslaughter; Felony; Penalty

Description:

Establishes the offense of involuntary manslaughter. Renames the existing offense of manslaughter as voluntary manslaughter. Amends various statutory provisions to accommodate the 2 forms of manslaughter.

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

