

JAN 24 2024

A BILL FOR AN ACT

RELATING TO MANSLAUGHTER.

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

1 SECTION 1. Section 707-702, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§707-702 Manslaughter** (1) A person commits the offense
4 of manslaughter if:

5 (a) The person recklessly causes the death of another
6 person; [~~or~~]

7 (b) The person intentionally causes another person to
8 commit suicide; or

9 (c) The person knowingly and unlawfully distributes a
10 dangerous drug in any amount and thereby recklessly
11 causes the death of another person as a result of that
12 person's ingesting that drug,

13 provided that this section shall not apply to actions taken
14 under chapter 327L.

15 (2) It shall not be a defense to prosecution under
16 subsection (1)(c) that the decedent contributed to the decedent's
17 own death by voluntarily ingesting the dangerous drug.

S.B. NO. 3035

1 (3) For purposes of this section:

2 "Dangerous drug" has the same meaning as "dangerous drugs"
3 as defined by section 712-1240; and

4 "Distributes" has the same meaning as "to distribute" as
5 defined by section 712-1240.

6 [~~2~~] (4) In a prosecution for murder or attempted murder
7 in the first and second degrees it is an affirmative defense,
8 which reduces the offense to manslaughter or attempted
9 manslaughter, that the defendant was, at the time the defendant
10 caused the death of the other person, under the influence of
11 extreme mental or emotional disturbance for which there is a
12 reasonable explanation. The reasonableness of the explanation
13 shall be determined from the viewpoint of a reasonable person in
14 the circumstances as the defendant believed them to be; provided
15 that an explanation that is not otherwise reasonable shall not
16 be determined to be reasonable because of the defendant's
17 discovery, defendant's knowledge, or the disclosure of the other
18 person's actual or perceived gender, gender identity, gender
19 expression, or sexual orientation, including under circumstances
20 in which the other person made an unwanted nonforcible romantic
21 or sexual advance toward the defendant, or in which the
22 defendant and the other person dated or had a romantic

S.B. NO. 3035

1 relationship. If the defendant's explanation includes the
2 discovery, knowledge, or disclosure of the other person's actual
3 or perceived gender, gender identity, gender expression, or
4 sexual orientation, the court shall instruct the jury to
5 disregard biases or prejudices regarding the other person's
6 actual or perceived gender, gender identity, gender expression,
7 or sexual orientation in reaching a verdict.

8 [~~3~~] (5) Manslaughter is a class A felony."

9 SECTION 2. 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 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

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

15

16

INTRODUCED BY:



17

BY REQUEST

S.B. NO. 3035

Report Title:

Manslaughter; Dangerous Drug; Distribution

Description:

Amends the offense of manslaughter to include cases where a person knowingly and unlawfully distributes a dangerous drug in any amount and thereby recklessly causes the death of another person who ingested that drug.

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

SB. NO. 3035

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO MANSLAUGHTER.

PURPOSE: To authorize prosecution for manslaughter where dangerous drug distribution results in a fatal overdose.

MEANS: Amend section 707-702, Hawaii Revised Statutes.

JUSTIFICATION: Hawaii has seen a rise in overdose deaths involving fentanyl. This bill will help address the problem by authorizing prosecutions against illegal drug dealers who cause the death of the user, and it will enable prosecution at the state and county level.

Impact on the public: This bill will give families of overdose victims better access to justice by allowing prosecution of drug dealers who profit from sales of illegal drugs without regard to the toxicity of those drugs. Allowing prosecution of these drug dealers will improve public safety by holding such dealers accountable and deterring others from such activities.

Impact on the department and other agencies: This bill will give law enforcement another tool in the fight against fentanyl overdose deaths. Prosecutors and law enforcement agencies will be affected.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED

AGENCIES:

The county police departments, the prosecutors' offices, and the Department of Law Enforcement.

EFFECTIVE DATE:

Upon approval.