
A BILL FOR AN ACT

RELATING TO CRIME.

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 (c) During the course of committing the felony, the
5 defendant was also a participant in organized
6 crime as defined in section 842-1, either in this
7 State or any other jurisdiction; or
- 8 (d) Within the five-year period prior to committing
9 the felony, the defendant was convicted of
10 violating chapter 842, or any similar organized
11 crime law in any other jurisdiction;
- 12 (3) The defendant is a dangerous person in that the
13 defendant has been subjected to a psychiatric or
14 psychological evaluation that documents a significant
15 history of dangerousness to others resulting in
16 criminally violent conduct, and this history makes the
17 defendant a serious danger to others. Nothing in this
18 section precludes the introduction of victim-related
19 data to establish dangerousness in accord with the
20 Hawaii rules of evidence;
- 21 (4) The defendant is a multiple offender in that:



- 1 (a) The defendant is being sentenced for two or more
- 2 felonies or is already under sentence of
- 3 imprisonment for any felony; or
- 4 (b) The maximum terms of imprisonment authorized for
- 5 each of the defendant's crimes, if made to run
- 6 consecutively, would equal or exceed in length
- 7 the maximum of the extended term imposed or would
- 8 equal or exceed forty years if the extended term
- 9 imposed is for a class A felony;
- 10 (5) The defendant is an offender against the elderly,
- 11 handicapped, or a minor eight years of age or younger
- 12 in that:
- 13 (a) The defendant attempts or commits any of the
- 14 following crimes: murder, manslaughter, a sexual
- 15 offense that constitutes a felony under chapter
- 16 707, robbery, felonious assault, burglary, or
- 17 kidnapping; and
- 18 (b) The defendant, in the course of committing or
- 19 attempting to commit the crime, inflicts serious
- 20 or substantial bodily injury upon a person who
- 21 has the status of being:



- 1 (i) Sixty years of age or older;
- 2 (ii) Blind, a paraplegic, or a quadriplegic; or
- 3 (iii) Eight years of age or younger; and
- 4 the person's status is known or reasonably should
- 5 be known to the defendant;
- 6 (6) The defendant is a hate crime offender in that:
 - 7 (a) The defendant is convicted of a crime under
 - 8 chapter 707, 708, or 711; and
 - 9 (b) The defendant intentionally selected a victim or,
 - 10 in the case of a property crime, the property
 - 11 that was the object of a crime, because of
 - 12 hostility toward the actual or perceived race,
 - 13 religion, disability, ethnicity, national origin,
 - 14 gender identity or expression, or sexual
 - 15 orientation of any person. For purposes of this
 - 16 subsection, "gender identity or expression"
 - 17 includes a person's actual or perceived gender,
 - 18 as well as a person's gender identity, gender-
 - 19 related self-image, gender-related appearance, or
 - 20 gender-related expression, regardless of whether
 - 21 that gender identity, gender-related self-image,



1 gender-related appearance, or gender-related
2 expression is different from that traditionally
3 associated with the person's sex at birth; or

4 (7) The defendant is convicted under section 707-702.5 and
5 the defendant did not remain at the scene of the crime
6 and render reasonable assistance to an injured person,
7 including acts and omissions in violation of section
8 291C-12."

9 SECTION 2. Section 706-665, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§706-665 Former conviction in another jurisdiction.** For
12 purposes of sections 706-606.5, 706-620, and 706-662(1) [7] and
13 (2) (c) and (d), a conviction of the commission of a crime in
14 another jurisdiction shall constitute a previous conviction.
15 Such conviction shall be deemed to have been of a felony if
16 sentence of death or of imprisonment in excess of one year was
17 authorized under the law of such other jurisdiction. Such a
18 conviction shall be graded, for purposes of section 706-620 by
19 comparing the maximum imprisonment authorized under the law of
20 such other jurisdiction with the maximum imprisonment authorized
21 for the relevant grade of felony."



H.B. NO. 1413

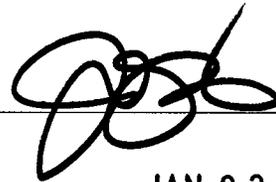
1 SECTION 3. This Act does not affect rights and duties that
2 matured, penalties that were incurred, and proceedings that were
3 begun before its effective date.

4 SECTION 4. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 5. This Act shall take effect upon its approval.

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INTRODUCED BY:

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JAN 23 2025



H.B. NO. 1413

Report Title:

Penal Code; Organized Crime; Extended Imprisonment; Felonies

Description:

Includes individuals involved in organized crime among the persons who may be subjected to extended terms of imprisonment for the commission of felonies.

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

