

JAN 17 2025

---

# A BILL FOR AN ACT

RELATING TO CRIMES AGAINST SENIORS.

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

1 SECTION 1. Section 706-660.2, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) Notwithstanding section 706-669, if not subjected to  
4 an extended term of imprisonment pursuant to section 706-662, a  
5 person shall be sentenced to a mandatory minimum term of  
6 imprisonment without possibility of parole as provided in  
7 subsection (2) if[+]

8 ~~(a) The]~~ the person, in the course of committing or  
9 attempting to commit a felony, causes the death or inflicts  
10 serious or substantial bodily injury upon another person who is:

11 [~~i~~] (a) Sixty years of age or older;

12 [~~ii~~] (b) Blind, a paraplegic, or a quadriplegic; or

13 [~~iii~~] (c) Eight years of age or younger; and

14 [~~b) Such]~~ for paragraph (b) or (c), the disability is  
15 known or reasonably should be known to the defendant."

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



1           **"§706-662 Criteria for extended terms of imprisonment.** A  
2 defendant who has been convicted of a felony may be subject to  
3 an extended term of imprisonment under section 706-661 if it is  
4 proven beyond a reasonable doubt that an extended term of  
5 imprisonment is necessary for the protection of the public and  
6 that the convicted defendant satisfies one or more of the  
7 following criteria:

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

12           (2) The defendant is a professional criminal in that:  
13           (a) The circumstances of the crime show that the  
14           defendant has knowingly engaged in criminal  
15           activity as a major source of livelihood; or  
16           (b) The defendant has substantial income or resources  
17           not explained to be derived from a source other  
18           than criminal activity;

19           (3) The defendant is a dangerous person in that the  
20           defendant has been subjected to a psychiatric or  
21           psychological evaluation that documents a significant



1 history of dangerousness to others resulting in  
2 criminally violent conduct, and this history makes the  
3 defendant a serious danger to others. Nothing in this  
4 section precludes the introduction of victim-related  
5 data to establish dangerousness in accord with the  
6 Hawaii rules of evidence;

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

8 (a) The defendant is being sentenced for two or more  
9 felonies or is already under sentence of  
10 imprisonment for any felony; or

11 (b) The maximum terms of imprisonment authorized for  
12 each of the defendant's crimes, if made to run  
13 consecutively, would equal or exceed in length  
14 the maximum of the extended term imposed or would  
15 equal or exceed forty years if the extended term  
16 imposed is for a class A felony;

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

20 (a) The defendant attempts or commits any of the  
21 following crimes: murder, manslaughter, a sexual



1 offense that constitutes a felony under chapter  
2 707, robbery, felonious assault, burglary, or  
3 kidnapping; and

4 (b) The defendant, in the course of committing or  
5 attempting to commit the crime, inflicts serious  
6 or substantial bodily injury upon a person who  
7 has the status of being:

8 (i) Sixty years of age or older;

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

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

11 For subparagraph (ii) or (iii), the person's  
12 status is known or reasonably should be known to  
13 the defendant;

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

15 (a) The defendant is convicted of a crime under  
16 chapter 707, 708, or 711; and

17 (b) The defendant intentionally selected a victim or,  
18 in the case of a property crime, the property  
19 that was the object of a crime, because of  
20 hostility toward the actual or perceived race,  
21 religion, disability, ethnicity, national origin,



1 gender identity or expression, or sexual  
2 orientation of any person. For purposes of this  
3 subsection, "gender identity or expression"  
4 includes a person's actual or perceived gender,  
5 as well as a person's gender identity, gender-  
6 related self-image, gender-related appearance, or  
7 gender-related expression, regardless of whether  
8 that gender identity, gender-related self-image,  
9 gender-related appearance, or gender-related  
10 expression is different from that traditionally  
11 associated with the person's sex at birth; or

12 (7) The defendant is convicted under section 707-702.5 and  
13 the defendant did not remain at the scene of the crime  
14 and render reasonable assistance to an injured person,  
15 including acts and omissions in violation of section  
16 291C-12."

17 SECTION 3. Section 707-710, Hawaii Revised Statutes, is  
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of assault in the first  
20 degree if the person intentionally or knowingly causes:

21 (a) Serious bodily injury to another person; or



1 (b) Substantial bodily injury to a person who is sixty  
2 years of age or older [~~and the age of the injured~~  
3 ~~person is known or reasonably should be known to the~~  
4 ~~person causing the injury]."~~

5 SECTION 4. Section 707-711, Hawaii Revised Statutes, is  
6 amended by amending subsection (1) to read as follows:

7 "(1) A person commits the offense of assault in the second  
8 degree if the person:

- 9 (a) Intentionally, knowingly, or recklessly causes  
10 substantial bodily injury to another;
- 11 (b) Recklessly causes serious bodily injury to another;
- 12 (c) Intentionally or knowingly causes bodily injury to a  
13 correctional worker, as defined in section 710-  
14 1031(2), who is engaged in the performance of duty or  
15 who is within a correctional facility;
- 16 (d) Intentionally or knowingly causes bodily injury to  
17 another with a dangerous instrument;
- 18 (e) Intentionally or knowingly causes bodily injury to an  
19 educational worker who is engaged in the performance  
20 of duty or who is within an educational facility. For  
21 the purposes of this paragraph, "educational worker"



1 means any administrator, specialist, counselor,  
2 teacher, or employee of the department of education or  
3 an employee of a charter school; a person who is a  
4 volunteer, as defined in section 90-1, in a school  
5 program, activity, or function that is established,  
6 sanctioned, or approved by the department of  
7 education; or a person hired by the department of  
8 education on a contractual basis and engaged in  
9 carrying out an educational function;

10 (f) Intentionally or knowingly causes bodily injury to any  
11 emergency medical services provider who is engaged in  
12 the performance of duty. For the purposes of this  
13 paragraph, "emergency medical services provider" means  
14 emergency medical services personnel, as defined in  
15 section 321-222, and physicians, physician's  
16 assistants, nurses, nurse practitioners, certified  
17 registered nurse anesthetists, respiratory therapists,  
18 laboratory technicians, radiology technicians, and  
19 social workers, providing services in the emergency  
20 room of a hospital;



1 (g) Intentionally or knowingly causes bodily injury to a  
2 person employed at a state-operated or -contracted  
3 mental health facility. For the purposes of this  
4 paragraph, "a person employed at a state-operated or -  
5 contracted mental health facility" includes health  
6 care professionals as defined in section 451D-2,  
7 administrators, orderlies, security personnel,  
8 volunteers, and any other person who is engaged in the  
9 performance of a duty at a state-operated or -  
10 contracted mental health facility;

11 (h) Intentionally or knowingly causes bodily injury to a  
12 person who:

13 (i) The defendant has been restrained from, by order  
14 of any court, including an ex parte order,  
15 contacting, threatening, or physically abusing  
16 pursuant to chapter 586; or

17 (ii) Is being protected by a police officer ordering  
18 the defendant to leave the premises of that  
19 protected person pursuant to section 709-906(4),  
20 during the effective period of that order;



1 (i) Intentionally or knowingly causes bodily injury to any  
2 firefighter or water safety officer who is engaged in  
3 the performance of duty. For the purposes of this  
4 paragraph, "firefighter" has the same meaning as in  
5 section 710-1012 and "water safety officer" means any  
6 public servant employed by the United States, the  
7 State, or any county as a lifeguard or person  
8 authorized to conduct water rescue or ocean safety  
9 functions;

10 (j) Intentionally or knowingly causes bodily injury to a  
11 person who is engaged in the performance of duty at a  
12 health care facility as defined in section 323D-2.  
13 For purposes of this paragraph, "a person who is  
14 engaged in the performance of duty at a health care  
15 facility" includes health care professionals as  
16 defined in section 451D-2, physician assistants,  
17 surgical assistants, advanced practice registered  
18 nurses, nurse aides, respiratory therapists,  
19 laboratory technicians, and radiology technicians;



- 1 (k) Intentionally or knowingly causes bodily injury to a  
2 person who is engaged in providing home health care  
3 services, as defined in section 431:10H-201;
- 4 (l) Intentionally or knowingly causes bodily injury to a  
5 person, employed or contracted to work by a mutual  
6 benefit society, as defined in section 432:1-104, to  
7 provide case management services to an individual in a  
8 hospital, health care provider's office, or home,  
9 while that person is engaged in the performance of  
10 those services;
- 11 (m) Intentionally or knowingly causes bodily injury to a  
12 person who is sixty years of age or older [~~and the age~~  
13 ~~of the injured person is known or reasonably should be~~  
14 ~~known to the person causing the injury~~]; or
- 15 (n) Intentionally or knowingly causes bodily injury to a  
16 sports official who is engaged in the lawful discharge  
17 of the sports official's duties. For the purposes of  
18 this paragraph, "sports official" and "lawful  
19 discharge of the sports official's duties" have the  
20 same meaning as in section 706-605.6."



1 SECTION 5. Section 708-812.55, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of unauthorized entry in  
4 a dwelling in the first degree if the person intentionally or  
5 knowingly enters unlawfully into a dwelling and another person  
6 was, at the time of the entry, lawfully present in the dwelling  
7 who:

8 (a) Was sixty years of age or older [~~and the age of the~~  
9 ~~person lawfully present in the dwelling was known or~~  
10 ~~reasonably should have been known to the person who~~  
11 ~~unlawfully entered];~~

12 (b) Was an incapacitated person; or

13 (c) Had a developmental disability."

14 SECTION 6. Section 708-830.5, Hawaii Revised Statutes, is  
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of theft in the first  
17 degree if the person commits theft of:

18 (a) Property or services, the value of which exceeds  
19 \$20,000;

20 (b) A firearm;

21 (c) Dynamite or other explosive;



1 (d) Property or services during an emergency period  
2 proclaimed by the governor or mayor pursuant to  
3 chapter 127A, within the area covered by the emergency  
4 or disaster under chapter 127A, the value of which  
5 exceeds \$300;

6 (e) Property from the person of another who is sixty years  
7 of age or older [~~and the age of the property owner is~~  
8 ~~known or reasonably should be known to the person who~~  
9 ~~commits theft~~];

10 (f) Property or services, the value of which exceeds \$750,  
11 from a person who is sixty years of age or older and  
12 the age of the property owner is known or reasonably  
13 should be known to the person who commits theft; or

14 (g) A motor vehicle or motorcycle as defined in section  
15 291C-1."

16 SECTION 7. Section 708-831, Hawaii Revised Statutes, is  
17 amended by amending subsection (1) to read as follows:

18 "(1) A person commits the offense of theft in the second  
19 degree if the person commits theft of:

20 (a) Property from the person of another;

21 (b) Property or services the value of which exceeds \$750;



- 1 (c) An aquacultural product or part thereof from premises  
2 that are fenced or enclosed in a manner designed to  
3 exclude intruders or there is prominently displayed on  
4 the premises a sign or signs sufficient to give notice  
5 and reading as follows: "Private Property", "No  
6 Trespassing", or a substantially similar message;
- 7 (d) Agricultural equipment, supplies, or products, or part  
8 thereof, the value of which exceeds \$100 but does not  
9 exceed \$20,000, or of agricultural products that  
10 exceed twenty-five pounds, from premises that are  
11 fenced, enclosed, or secured in a manner designed to  
12 exclude intruders or where there is prominently  
13 displayed on the premises a sign or signs sufficient  
14 to give notice and reading as follows: "Private  
15 Property", "No Trespassing", or a substantially  
16 similar message; or if at the point of entry of the  
17 premises, a crop is visible. The sign or signs,  
18 containing letters no less than two inches in height,  
19 shall be placed along the boundary line of the land in  
20 a manner and in such a position as to be clearly  
21 noticeable from outside the boundary line. Possession



1 of agricultural products without ownership and  
2 movement certificates, when a certificate is required  
3 pursuant to chapter 145, is prima facie evidence that  
4 the products are or have been stolen;

5 (e) Agricultural commodities that are generally known to  
6 be marketed for commercial purposes. Possession of  
7 agricultural commodities without ownership and  
8 movement certificates, when a certificate is required  
9 pursuant to section 145-22, is prima facie evidence  
10 that the products are or have been stolen; provided  
11 that "agricultural commodities" has the same meaning  
12 as in section 145-21;

13 (f) Property commonly used to store items of monetary  
14 value, including but not limited to any purse,  
15 handbag, or wallet;

16 (g) Property or services, the value of which exceeds \$250,  
17 from a person who is sixty years of age or older [~~and~~  
18 ~~the age of the property owner is known or reasonably~~  
19 ~~should be known to the person who commits theft)]; or~~

20 (h) An electric gun as defined in section 134-81."



1 SECTION 8. Section 708-851, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of forgery in the first  
4 degree if, with intent to defraud, the person falsely makes,  
5 completes, endorses, or alters a written instrument, or utters a  
6 forged instrument, or fraudulently encodes the magnetic ink  
7 character recognition numbers, which is or purports to be, or  
8 which is calculated to become or to represent if completed:

- 9 (a) Part of an issue of stamps, securities, or other  
10 valuable instruments issued by a government or  
11 governmental agency;
- 12 (b) Part of an issue of stock, bonds, or other instruments  
13 representing interests in or claims against a  
14 corporate or other organization or its property; or
- 15 (c) All or part of a deed, will, codicil, contract,  
16 assignment, commercial instrument, or other instrument  
17 which does or may evidence, create, transfer,  
18 terminate, or otherwise affect a legal right,  
19 interest, obligation, or status and[+]





1           which does or may evidence, create, transfer,  
2           terminate, or otherwise affect a legal right,  
3           interest, obligation, or status; or  
4       (b) Falsely makes, completes, endorses, or alters a  
5           written instrument, or utters a forged instrument;  
6           and[÷  
7           ~~(i)~~ The] the purported maker or drawer of the written  
8           instrument or forged instrument is a person who  
9           is sixty years of age or older[÷and  
10       ~~(ii)~~ ~~The age of purported maker or drawer of the~~  
11       ~~written instrument or forged instrument is known~~  
12       ~~or reasonably should be known to the person who~~  
13       ~~falsely makes, completes, endorses, or alters a~~  
14       ~~written instrument; or utters a forged~~  
15       ~~instrument]."~~

16       SECTION 10. This Act does not affect rights and duties  
17       that matured, penalties that were incurred, and proceedings that  
18       were begun before its effective date.

19       SECTION 11. Statutory material to be repealed is bracketed  
20       and stricken. New statutory material is underscored.

21       SECTION 12. This Act shall take effect upon its approval.



S.B. NO. 594

1

INTRODUCED BY:

*[Handwritten Signature]*



# S.B. NO. 594

**Report Title:**

Offenses Against Seniors; Penal Code; Enhanced Penalties

**Description:**

Removes the requirement that a perpetrator of certain crimes knows or reasonably should know that the victim is a person sixty years of age or older.

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

2025-0492 SB HMSO

