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# A BILL FOR AN ACT

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RELATING TO CRIME.

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

SECTION 1. Section 706-662, Hawaii Revised Statutes, is amended to read as follows:

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

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

(2) The defendant is a professional criminal in that:

(a) The circumstances of the crime show that the defendant has knowingly engaged in criminal activity as a major source of livelihood; [ex]



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,



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

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

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

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



# H.B. NO. 1413

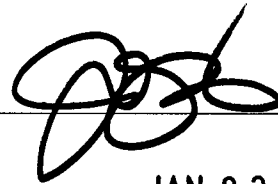
1           SECTION 3. This Act does not affect rights and duties that  
2 matured, penalties that were incurred, and proceedings that were  
3 begun before its effective date.

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.*

