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## A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1       SECTION 1. Section 706-606.5, Hawaii Revised Statutes, is  
2 amended as follows:

3       1. By amending subsection (1) to read:

4       "(1) Notwithstanding section 706-669 and any other law to  
5 the contrary, any person convicted of murder in the second  
6 degree, any class A felony, any class B felony, or any of the  
7 following class C felonies:

8       (a) Section 134-7 relating to persons prohibited from  
9       owning, possessing, or controlling firearms or  
10       ammunition;

11       (b) Section 134-8 relating to ownership, etc., of certain  
12       prohibited weapons;

13       (c) Section 134-17 only as it relates to providing false  
14       information or evidence to obtain a permit under  
15       section 134-9;



- 1 (d) Section 188-23 relating to possession or use of  
2 explosives, electrofishing devices, and poisonous  
3 substances in state waters;  
4 (e) Section 386-98(d)(1) relating to fraud violations and  
5 penalties;  
6 (f) Section 431:2-403(b)(2) relating to insurance fraud;  
7 (g) Section 707-703 relating to negligent homicide in the  
8 second degree;  
9 (h) Section 707-711 relating to assault in the second  
10 degree;  
11 (i) Section 707-713 relating to reckless endangering in  
12 the first degree;  
13 (j) Section 707-716 relating to terroristic threatening in  
14 the first degree;  
15 (k) Section 707-721 relating to unlawful imprisonment in  
16 the first degree;  
17 (l) Section 707-732 relating to sexual assault in the  
18 third degree;  
19 (m) Section 707-752 relating to promoting child abuse in  
20 the third degree;



- 1 (n) Section 707-757 relating to electronic enticement of a
- 2 child in the second degree;
- 3 (o) Section 707-766 relating to extortion in the second
- 4 degree;
- 5 (p) Section 708-811 relating to burglary in the second
- 6 degree;
- 7 (q) Section [~~708-821~~] 708-822 relating to criminal
- 8 property damage in the [~~second~~] third degree;
- 9 (r) Section 708-831 relating to theft in the second
- 10 degree;
- 11 (s) Section 708-835.5 relating to theft of livestock;
- 12 (t) Section 708-836 relating to unauthorized control of a
- 13 propelled vehicle in the first degree;
- 14 (u) Section 708-839.55 relating to unauthorized possession
- 15 of confidential personal information;
- 16 (v) Section 708-839.8 relating to identity theft in the
- 17 third degree;
- 18 (w) Section 708-852 relating to forgery in the second
- 19 degree;
- 20 (x) Section 708-854 relating to criminal possession of a
- 21 forgery device;



1 (y) Section 708-875 relating to trademark counterfeiting;  
2 (z) Section 709-906(8), (9), or (10) relating to abuse of  
3 family or household members;  
4 (aa) Section 710-1071 relating to intimidating a witness;  
5 (bb) Section 711-1103 relating to riot;  
6 [+] (cc) [+] Section 712-1224 relating to possession of  
7 gambling records in the first degree;  
8 [+] (dd) [+] Section 712-1247 relating to promoting a  
9 detrimental drug in the first degree; or  
10 [+] (ee) [+] Section 846E-9 relating to failure to comply with  
11 covered offender registration requirements,  
12 or who is convicted of attempting to commit murder in the second  
13 degree, any class A felony, any class B felony, or any of the  
14 class C felony offenses enumerated above and who has a prior  
15 conviction or prior convictions for the following felonies,  
16 including an attempt to commit the same: murder, murder in the  
17 first or second degree, a class A felony, a class B felony, any  
18 of the class C felony offenses enumerated above, or any felony  
19 conviction of another jurisdiction, shall be sentenced to a  
20 mandatory minimum period of imprisonment without possibility of  
21 parole as provided in subsection (2)."



1           2. By amending subsection (5) to read:

2           "(5) Notwithstanding any other law to the contrary, any  
3 person convicted of any of the following misdemeanor offenses:

4           (a) Section 707-712 relating to assault in the third  
5 degree;

6           (b) Section 707-717 relating to terroristic threatening in  
7 the second degree;

8           (c) Section 707-733 relating to sexual assault in the  
9 fourth degree;

10          (d) Section [~~708-822~~] 708-823 relating to criminal  
11 property damage in the [~~third~~] fourth degree;

12          (e) Section 708-832 relating to theft in the third degree;  
13 and

14          (f) Section 708-833.5(2) relating to misdemeanor  
15 shoplifting,

16 and who has been convicted of any of the offenses enumerated  
17 above on at least three prior and separate occasions within  
18 three years of the date of the commission of the present  
19 offense, shall be sentenced to no less than nine months of  
20 imprisonment. Whenever a court sentences a defendant under this  
21 subsection for an offense under section 707-733, the court shall



1 order the defendant to participate in a sex offender assessment  
2 and, if recommended based on the assessment, participate in the  
3 sex offender treatment program established by chapter 353E."

4 SECTION 2. Section 708-813, Hawaii Revised Statutes, is  
5 amended by amending subsection (4) to read as follows:

6 "(4) Criminal trespass in the first degree [~~is~~] shall be a  
7 [~~misdemeanor.~~] class C felony."

8 SECTION 3. Section 708-814, Hawaii Revised Statutes, is  
9 amended by amending subsection (3) to read as follows:

10 "(3) Criminal trespass in the second degree [~~is~~] shall be  
11 a [~~petty~~] misdemeanor."

12 SECTION 4. Section 708-821, Hawaii Revised Statutes, is  
13 amended by amending subsection (2) to read as follows:

14 "(2) Criminal property damage in the second degree [~~is~~]  
15 shall be a class [~~C~~] B felony."

16 SECTION 5. Section 708-822, Hawaii Revised Statutes, is  
17 amended by amending subsection (2) to read as follows:

18 "(2) Criminal property damage in the third degree [~~is~~]  
19 shall be a [~~misdemeanor.~~] class C felony."

20 SECTION 6. Section 708-823, Hawaii Revised Statutes, is  
21 amended by amending subsection (2) to read as follows:



1       "(2) Criminal property damage in the fourth degree [~~is~~]  
2   shall be a [~~petty~~] misdemeanor."

3       SECTION 7. This Act does not affect rights and duties that  
4   matured, penalties that were incurred, and proceedings that were  
5   begun before its effective date.

6       SECTION 8. Statutory material to be repealed is bracketed  
7   and stricken. New statutory material is underscored.

8       SECTION 9. This Act shall take effect upon its approval.

9

INTRODUCED BY:



JAN 23 2025



# H.B. NO. 1487

**Report Title:**

Penal Code; Criminal Trespass; Criminal Property Damage;  
Penalties

**Description:**

Increases the category of offense for criminal trespass in the first and second degree and criminal property damage in the second, third, and fourth degree.

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

