
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



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

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

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

(a) Intentionally, knowingly, or recklessly causes substantial bodily injury to another;

(b) Recklessly causes serious bodily injury to another;

(c) Intentionally or knowingly causes bodily injury to a correctional worker, as defined in section 710-1031(2), who is engaged in the performance of duty or who is within a correctional facility;

(d) Intentionally or knowingly causes bodily injury to another with a dangerous instrument;

(e) Intentionally or knowingly causes bodily injury to an educational worker who is engaged in the performance of duty or who is within an educational facility. For 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."



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

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

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

(b) Was an incapacitated person; or

(c) Had a developmental disability."

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

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

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

(b) A firearm;

(c) Dynamite or other explosive;



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

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

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

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

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

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

(a) Property from the person of another;

(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 ~~(i)~~ The] the purported maker or drawer of the written
2 instrument or forged instrument is a person who
3 is sixty years of age or older[~~;~~ and

4 ~~(ii)~~ ~~The age of the purported maker or drawer of the~~
5 ~~written instrument or forged instrument is known~~
6 ~~or reasonably should be known to the person who~~
7 ~~falsely makes, completes, endorses, or alters the~~
8 ~~instrument; utters the forged instrument; or~~
9 ~~fraudulently encodes the magnetic ink character~~
10 ~~recognition numbers of the instrument]."~~

11 SECTION 9. Section 708-852, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of forgery in the second
14 degree if, with intent to defraud, the person:

15 (a) Falsely makes, completes, endorses, or alters a
16 written instrument, or utters a forged instrument, or
17 fraudulently encodes the magnetic ink character
18 recognition numbers, which is or purports to be, or
19 which is calculated to become or to represent if
20 completed, a deed, will, codicil, contract,
21 assignment, commercial instrument, or other instrument



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.



H.B. NO. 444

1

INTRODUCED BY:

A handwritten signature in black ink, appearing to be "Atkins", written over a horizontal line.

JAN 17 2025



H.B. NO. 444

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.

