
A BILL FOR AN ACT

RELATING TO SENTENCING.

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

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is
2 amended by adding a new section to be appropriately designated
3 and to read as follows:

4 "§706- Limitation on term of imprisonment for
5 nonviolent offenses punishable by up to or not exceeding one
6 year; sentence modification. (1) Notwithstanding any other law
7 to the contrary, any offense that is:

8 (a) Not a crime of violence; and

9 (b) Punishable under state law by a term of imprisonment
10 up to or not exceeding one year,

11 shall be punishable by a term of imprisonment not to exceed
12 three hundred sixty-four days.

13 (2) A person who was sentenced to a misdemeanor offense
14 that is not a crime of violence before the effective date of
15 this Act may submit an application to the trial court that
16 entered the judgment of conviction to reconsider the sentence to



1 reflect that the maximum possible penalty for the offense is
2 three hundred sixty-four days.

3 (3) For the purposes of this section, "crime of violence"
4 has the same meaning as defined in section 134-1."

5 SECTION 2. Section 706-663, Hawaii Revised Statutes, is
6 amended to read as follows:

7 **"§706-663 Sentence of imprisonment for misdemeanor and**
8 **petty misdemeanor. (1)** After consideration of the factors set
9 forth in sections 706-606 and 706-621, the court may sentence a
10 person who has been convicted of a misdemeanor or a petty
11 misdemeanor to imprisonment for a definite term to be fixed by
12 the court and not to exceed [~~one year~~] three hundred sixty-four
13 days in the case of a misdemeanor or thirty days in the case of
14 a petty misdemeanor~~[-]~~; provided that if the person has been
15 convicted of a misdemeanor that is a crime of violence, the
16 court may sentence the person to imprisonment for a definite
17 term to be fixed by the court and not to exceed one year.

18 (2) For the purposes of this section, "crime of violence"
19 has the same meaning as defined in section 134-1."

20 SECTION 3. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 4. This Act shall take effect upon its approval.



Report Title:

Penal Code; Misdemeanors; Sentencing; Nonviolent Offenses

Description:

Limits the maximum term of imprisonment for misdemeanors that are not crimes of violence, or for offenses that are not crimes of violence punishable by up to or not exceeding one year, to three hundred sixty-four days. Allows individuals previously sentenced to a one-year term of imprisonment for an offense that is not a crime of violence to apply to the trial court for reconsideration of the sentence to conform to the revised maximum penalty. (CD1)

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