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# A BILL FOR AN ACT

RELATING TO PUBLIC SAFETY.

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

1           SECTION 1. The legislature finds that there is a need to  
2 hold accountable persons who have assisted offenders after the  
3 commission of serious crimes. Often, these individuals are  
4 subject to limited sanctions for hindering prosecution in the  
5 first degree, a class C felony offense.

6           The legislature further finds that, under existing law,  
7 accomplice liability, which subjects a person to the same level  
8 of penalty as the percipient actor, does not apply to actions or  
9 assistance provided after the offense is committed. Thus, for  
10 example, an individual who assists a mass murderer by providing  
11 the offender shelter, food, or transportation after the  
12 commission of the offense would only be subject to a maximum  
13 penalty of a five-year prison term. A person who provided  
14 similar assistance to a person who killed or attempted to kill a  
15 police officer would also be limited to a maximum penalty of a  
16 five-year prison term.



1           The legislature believes that establishing a structure for  
2 more appropriate penalties, which takes into consideration the  
3 scope of the offenses and acts in question, will promote greater  
4 respect for the law, ensure offenders receive an appropriate  
5 sentence that reflects the seriousness of the offense, provide  
6 adequate deterrence for future criminal activity, and better  
7 protect the public.

8           Accordingly, the purpose of this Act is to establish a  
9 gradient penalty structure for the offense of hindering  
10 prosecution in the first degree, based on the level of offense  
11 hindered.

12           SECTION 2. Section 710-1029, Hawaii Revised Statutes, is  
13 amended by amending subsection (2) to read as follows:

14           "(2) Hindering prosecution in the first degree is [~~a class~~  
15 ~~C felony.~~] an offense one class or grade lower than the offense  
16 committed by the other person; provided that when the offense  
17 committed by the other person is murder in any degree, hindering  
18 prosecution is a class A felony; provided further that if the  
19 underlying offense is not designated by class or grade under  
20 Hawaii law, the court shall determine the most comparable Hawaii



1 offense when applying this subsection. For the purposes of this  
2 subsection, "one class or grade lower" means:

3 (a) If the underlying offense is a class A felony, the  
4 offense is a class B felony;

5 (b) If the underlying offense is a class B felony, the  
6 offense is a class C felony;

7 (c) If the underlying offense is a class C felony, the  
8 offense is a misdemeanor;

9 (d) If the underlying offense is a misdemeanor, the  
10 offense is a petty misdemeanor; and

11 (e) If the underlying offense is a petty misdemeanor, the  
12 offense is a violation."

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

16 SECTION 4. Statutory material to be repealed is bracketed  
17 and stricken. New statutory material is underscored.

18 SECTION 5. This Act shall take effect upon its approval.

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S.B. NO. 2516  
S.D. 1

**Report Title:**

Hawaii Law Enforcement Coalition Package; Public Safety;  
Hindering Prosecution; Accomplice Liability; Sanctions;  
Penalties

**Description:**

Establishes a gradient penalty structure for the offense of  
hindering prosecution in the first degree, based on the level of  
offense hindered. (SD1)

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