
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 punishable under state law
8 by a term of imprisonment up to or not exceeding one year
9 shall be punishable by a term of imprisonment not to exceed
10 three hundred sixty-four days.

11 (2) A person who was sentenced to a term of imprisonment
12 of one year for an offense before the effective date of this Act
13 may submit an application to the trial court that entered the
14 judgment of conviction to modify the sentence to a term not to
15 exceed the maximum term specified in subsection (1)."

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



1 "§706-663 Sentence of imprisonment for misdemeanor and
2 petty misdemeanor. (1) After consideration of the factors set
3 forth in sections 706-606 and 706-621, the court may sentence a
4 person who has been convicted of a misdemeanor or a petty
5 misdemeanor to imprisonment for a definite term to be fixed by
6 the court and not to exceed [~~one year~~] three hundred sixty-four
7 days in the case of a misdemeanor or thirty days in the case of
8 a petty misdemeanor."

9 SECTION 3. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

11 SECTION 4. This Act shall take effect on July 1, 3000.



Report Title:

Penal Code; Misdemeanors; Sentencing; Nonviolent Offenses

Description:

Limits the maximum term of imprisonment for misdemeanors, or for offenses 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 to apply to the court for a sentence modification to conform to the new limit. Effective 7/1/3000. (HD1)

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