

ACT 96

H.B. NO. 1970-78

A Bill for an Act Relating to Community Service as a Sentencing Alternative.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Section 706-605, Hawaii Revised Statutes, (Hawaii Penal Code) is amended to read as follows:

**“Sec. 706-605 Authorized disposition of convicted defendants.** (1) Except as provided in section 706-606 and subject to the applicable provisions of this Code, the court may suspend the imposition of sentence on a person who has been convicted of a crime, may order him to be committed in lieu of sentence in accordance with section 706-607, or may sentence him as follows:

- (a) To be placed on probation as authorized by part II of this chapter; or
- (b) To pay a fine authorized by part III of this chapter; or
- (c) To be imprisoned for a term authorized by part IV of this chapter; or
- (d) To pay a fine and to probation or to pay a fine and to imprisonment, but not to probation and imprisonment, except as authorized by part II of this chapter; or
- (e) To make restitution or reparation to the victim or victims of his crime in an amount he can afford to pay, for loss or damage caused thereby in addition to paragraph (a), (b), (c), (d), or (f) of this subsection (1);
- (f) To perform services for the community under the supervision of a governmental agency or benevolent or charitable organization or other community service group or under other appropriate supervision, or to

perform such services and to probation, as the court may direct, provided that the convicted person who performs such services shall not be deemed to be an employee for any purpose. The extent of services required shall be stated in the judgment. The court shall not sentence the convicted person only to perform such services unless, having regard to the nature and circumstances of the crime and to the history and character of the defendant, it is of the opinion that such services alone suffice for the protection of the public.

(2) The court may suspend the imposition of sentence on a person who has been convicted of a violation or may sentence him to pay a fine authorized by part III of this chapter.

(3) The court shall sentence a corporation or unincorporated association which has been convicted of an offense in accordance with section 706-608.

(4) This chapter does not deprive the court of any authority conferred by law to decree a forfeiture of property, suspend or cancel a license, remove a person from office, or impose any other civil penalty. Such a judgment or order may be included in the sentence."

SECTION 2. Material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.\*

SECTION 3. This Act shall become effective upon its approval.

(Approved May 20, 1978.)

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\*Edited accordingly.