

ACT 225

H.B. NO. 438

A Bill for an Act Relating to Sexual Offenses.

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

SECTION 1. Section 707-730, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 707-730 Rape in the first degree. (1) A person commits the offense of rape in the first degree if:

- (a) He intentionally engages in sexual intercourse, by forcible compulsion, with another person and:
 - (i) The other person is not, upon the occasion, his voluntary social companion who had within the previous twelve months permitted him

sexual intercourse; or

- (ii) He recklessly inflicts serious bodily injury upon the other person; or
 - (b) He intentionally engages in sexual intercourse with another person who is less than fourteen years old and he recklessly inflicts serious bodily injury upon the other person.
- (2) Rape in the first degree is a class A felony.”

SECTION 2. Section 707-731, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 707-731 Rape in the second degree. (1) A person commits the offense of rape in the second degree if:

- (a) He intentionally engages in sexual intercourse by forcible compulsion with another person; or
 - (b) He intentionally engages in sexual intercourse with another person who is less than fourteen years old.
- (2) Rape in the second degree is a class B felony.”

SECTION 3. Section 707-732, Hawaii Revised Statutes, is amended to read as follows:

“Sec. 707-732 Rape in the third degree. (1) A person commits the offense of rape in the third degree if he intentionally engages in sexual intercourse with another person who is mentally defective, mentally incapacitated, or physically helpless.

- (2) Rape in the third degree is a class C felony.”

SECTION 4. Statutory material to be repealed is bracketed.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 5. This Act shall take effect upon its approval.

(Approved June 26, 1979.)

*The text has been edited pursuant to HRS §23G-16.5, authorizing omission of the brackets, bracketed material, and underscoring.