

## ACT 165

S.B. NO. 1831-80

A Bill for an Act Relating to Crimes.

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

SECTION 1. Section 706-621, Hawaii Revised Statutes, is amended to read as follows:

**“Sec. 706-621 Grounds favoring withholding sentence of imprisonment.**

The following grounds, while not controlling the discretion of the court, may be accorded weight in favor of withholding sentence of imprisonment:

- (1) The defendant’s criminal conduct neither caused nor threatened serious harm;
- (2) The defendant acted under a strong provocation;
- (3) There were substantial grounds tending to excuse or justify the defendant’s criminal conduct, though failing to establish a defense;
- (4) The victim of the defendant’s criminal conduct induced or facilitated its commission;
- (5) The defendant has no history of prior delinquency or criminal activity or has led a law-abiding life for a substantial period of time before the commission of the present crime;
- (6) The defendant’s criminal conduct was the result of circumstances unlikely to recur;
- (7) The character and attitudes of the defendant indicate that he is unlikely to commit another crime;
- (8) The defendant is particularly likely to respond affirmatively to a program of restitution or a probationary program or both;
- (9) The imprisonment of the defendant would entail excessive hardship to himself or his dependents.”

SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.\*

SECTION 3. This Act shall take effect upon its approval.

(Approved May 29, 1980.)

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