

ACT 295

H.B. NO. 1919-80

A Bill for an Act Relating to Young Adult Defendants.

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

SECTION 1. Under present law, a young adult defendant is subject to a four-year penalty regardless of the class of the offense. A convicted rapist and a convicted auto thief are therefore subject to an identical maximum term of four years. This Act would distinguish by class of offense, i.e., A, B, or C felonies, the maximum term for a young adult defendant who is deemed qualified for such a reduced term.

SECTION 2. Section 706-667, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) Defined. A young adult defendant is a person convicted of a crime who, at the time of sentencing, is sixteen years of age or older but less than twenty-two years of age, and who has not been previously convicted of a felony as an adult or adjudicated as a juvenile for an offense committed at age sixteen or older which would have been a felony had he been an adult.”

SECTION 3. Section 706-667, Hawaii Revised Statutes, is amended by amending subsection (3) to read as follows:

“(3) Special term. A young adult defendant convicted of a felony may, in lieu of any other sentence of imprisonment authorized by this chapter, be sentenced to a special indeterminate term of imprisonment if the court is of the opinion that such special term is adequate for his correction and rehabilitation and will not jeopardize the protection of the public. When ordering a special indeterminate term of imprisonment, the court shall impose the maximum length of imprisonment which shall be eight years for a class A felony, five years for a class B felony, and four years for a class C felony. The minimum length of imprisonment shall be set by the Hawaii paroling authority in accordance with section 706-669. During this special indeterminate term, the young adult will be incarcerated separately from career criminals, when practicable.

This section shall not apply to the offense of murder.”

SECTION 4. Statutory material to be repealed is bracketed. New material is underscored.*

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

(Approved June 17, 1980.)

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