

ACT 213

H.B. NO. 300

A Bill for an Act Relating to Offenses Against the Person.

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

SECTION 1. Section 707-700, Hawaii Revised Statutes, is amended by amending the definition of “forcible compulsion” to read as follows:

“(11) “Forcible compulsion” means the use of or attempt to use one or more of the following to overcome a person:

- (a) A threat, express or implied, that places a person in fear of bodily injury to the individual or another person, or in fear that the person or another person will be kidnapped;
- (b) A dangerous instrument; or
- (c) Physical force.”

SECTION 2. Section 707-730, Hawaii Revised Statutes, is amended to read as follows:

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

- (a) The person 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 thirty days permitted him sexual intercourse of the kind involved; or
 - (ii) Recklessly inflicts serious bodily injury upon the other person; or
- (b) The person 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 3. Section 707-731, Hawaii Revised Statutes, is amended to read as follows:

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

- (a) The person intentionally engages in sexual intercourse by forcible compulsion with another person; or
- (b) The person 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 4. Section 707-732, Hawaii Revised Statutes, is amended to read as follows:

“§707-732 Rape in the third degree. (1) A person commits the offense of rape in the third degree if the person 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 5. Section 707-733, Hawaii Revised Statutes, is amended to read as follows:

“§707-733 Sodomy in the first degree. (1) A person commits the offense of sodomy in the first degree if:

- (a) The person intentionally, by forcible compulsion, engages in deviate sexual intercourse with another person or causes another person to engage in deviate sexual intercourse, and:
 - (i) The other person was not, upon the occasion, his voluntary social companion who had within the previous thirty days permitted him sexual contact of the kind involved; or
 - (ii) Recklessly inflicts serious bodily injury upon the other person; or
- (b) The person intentionally engages in deviate sexual intercourse with another person who is less than fourteen years old, or causes such person to engage in deviate sexual intercourse, and he recklessly inflicts serious bodily injury upon the person.

(2) Sodomy in the first degree is a class A felony.”

SECTION 6. Section 707-734, Hawaii Revised Statutes, is amended to read as follows:

“§707-734 Sodomy in the second degree. (1) A person commits the offense of sodomy in the second degree if:

- (a) The person intentionally, by forcible compulsion, engages in deviate sexual intercourse with another person or causes another person to engage in deviate sexual intercourse; or
- (b) The person[†] engages in deviate sexual intercourse with another person who is less than fourteen years old.

(2) Sodomy in the second degree is a class B felony.”

SECTION 7. Section 707-735, Hawaii Revised Statutes, is amended to read as follows:

“§707-735 Sodomy in the third degree. (1) A person commits the offense of sodomy in the third degree if the person intentionally engages in deviate sexual intercourse with another person, or causes another person to engage in deviate sexual intercourse, and the other person is mentally defective, mentally incapacitated, or

[†] In section prior to amendment, here appeared the word “intentionally,” which was not set forth in this act at all.

physically helpless.

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

SECTION 8. Section 707-740, Hawaii Revised Statutes, is repealed.

SECTION 9. Statutory material to be repealed is bracketed. New material is underscored.*

SECTION 10. This Act shall take effect upon its approval.

(Approved June 19, 1981.)

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