

ACT 260

S.B. NO. 847

A Bill for an Act Relating to Mandatory Sentences for Crimes Committed with a Firearm.

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

SECTION 1. Section 706-660.1, Hawaii Revised Statutes, is amended to read as follows:

“[[§]706-660.[1]]¹ Sentence of imprisonment for use of a firearm in a felony. (a) A person convicted of a felony, where the person had a firearm in his possession [and] or threatened its use or used the firearm while engaged in the commission of the felony, whether the firearm was loaded or not, and whether operable or not, may in addition to the indeterminate term of imprisonment provided for the grade of offenses be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (1) For murder and attempted murder in the second degree—up to fifteen years;
- [(1)] (2) For a class A felony—up to 10 years; and
- [(2)] (3) For a class B felony—up to 5 years[.]; and
- (4) For a class C felony—up to 3 years.

The sentence of imprisonment for a felony involving the use of a firearm as provided in this subsection shall not be subject to the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (a)(1), (2), (3), or (4) [(2)], herein.

(b) A person convicted of a second firearm felony offense as provided in [section] subsection (a), herein, where the person had a firearm in his possession [and] or threatened its use or used the firearm while engaged in the commission of the felony, whether the firearm was loaded or not, and whether operable or not, shall in addition to the indeterminate term of imprisonment provided for the grade of offense be sentenced to a mandatory minimum term of imprisonment without possibility of parole or probation the length of which shall be as follows:

- (1) For murder in the second degree—twenty years;
- [(1)] (2) For a class A felony—[10 years; and] thirteen years, four months;
- [(2)] (3) For a class B felony—[10 years.] six years, eight months; and

(4) For a class C felony—three years, four months.

The sentence of imprisonment for a second felony offense involving the use of a firearm as provided in this subsection shall be exempted from the procedure for determining minimum term of imprisonment prescribed under section 706-669, provided further that a person who is imprisoned in a correctional institution as provided in this subsection shall become subject to the parole procedure as prescribed in section 706-670 only upon the expiration of the term of mandatory imprisonment fixed under (b)(1), (2), (3), or (4) [(2)], herein.

As used in this [subsection,] section, “firearm” has the meaning defined in section 134-1.”

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

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

(Approved June 24, 1987.)

Note

1. So in original.