

ACT 292

S.B. NO. 2924

A Bill for an Act Relating to Negligent Injury and Negligent Homicide.

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

SECTION 1. Chapter 707, Hawaii Revised Statutes, is amended by adding three new sections to be appropriately designated and to read as follows:

**“§707- Negligent homicide in the first degree.** (1) A person is guilty of the offense of negligent homicide in the first degree if that person causes the death of another person by the operation of a vehicle in a negligent manner while under the influence of drugs or alcohol.

(2) Negligent homicide in the first degree is a class B felony.

**§707- Negligent injury in the first degree.** (1) A person is guilty of the offense of negligent injury in the first degree if that person causes serious bodily injury to another person by the operation of a motor vehicle in a negligent manner.

(2) Negligent injury in the first degree is a class C felony.

**§707- Negligent injury in the second degree.** (1) A person is guilty of the offense of negligent injury in the second degree if that person causes substantial bodily injury to another person by the operation of a motor vehicle in a negligent manner.

(2) Negligent injury in the second degree is a misdemeanor.”

SECTION 2. Section 707-703, Hawaii Revised Statutes, is amended to read as follows:

**“§707-703 Negligent homicide in the [first] second degree.** (1) A person is guilty of the offense of negligent homicide in the [first] second degree if [he] that person causes the death of another person by the operation of a vehicle in a negligent manner.

(2) Negligent homicide in the [first] second degree is a class C felony.”

SECTION 3. Section 707-704, Hawaii Revised Statutes, is amended to read as follows:

**“§707-704 Negligent homicide in the [second] third degree.** (1) A person is guilty of the offense of negligent homicide in the [second] third degree if [he] that person causes the death of another person by the operation of a vehicle in a manner which is simple negligence.

(2) “Simple negligence” as used in this section:

- (a) A person acts with simple negligence with respect to [his] the person’s conduct when [he] the person should be aware of a risk that [he] the person engages in [such] that conduct.
- (b) A person acts with simple negligence with respect to attendant circumstances when [he] the person should be aware of a risk that [such] those circumstances exist.
- (c) A person acts with simple negligence with respect to a result of [his] the person’s conduct when [he] the person should be aware of a risk that [his] the person’s conduct will cause [such a] that result.
- (d) A risk is within the meaning of this subsection if the person’s failure to perceive it, considering the nature and purpose of [his] the person’s conduct and the circumstances known to [him,] the person, involves a deviation from the standard of care that a law-abiding person would observe in the same situation.

(3) Negligent homicide in the [second] third degree is a misdemeanor.”

SECTION 4. This Act shall not apply to rights and duties that matured, penalties that were incurred, or proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect upon its approval.

(Approved June 13, 1988.)

**Note**

- 1. Edited pursuant to HRS §23G-16.5.