

ACT 89

H.B. NO. 2242

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Chapter 706, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§706- Sentence of imprisonment for offenses against children, elderly persons, or handicapped persons. Notwithstanding section 706-669, a person who, in the course of committing or attempting to commit a felony, causes the death or inflicts serious or substantial bodily injury upon a person who is:

- (1) Sixty years of age or older;
- (2) Blind, a paraplegic, or a quadriplegic; or
- (3) Eight years of age or younger;

and such disability is known or reasonably should be known to the defendant, shall, if not subjected to an extended term of imprisonment pursuant to section 706-662, be sentenced to a mandatory minimum term of imprisonment without possibility of parole as follows:

- (1) For murder in the second degree--fifteen years;
- (2) For a class A felony--six years, eight months;
- (3) For a class B felony--three years, four months;
- (4) For a class C felony--one year, eight months.”

SECTION 2. Section 706-620, Hawaii Revised Statutes, is amended to read as follows:

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“§706-620 Authority to withhold sentence of imprisonment. A defendant who has been convicted of a crime may be sentenced to a term of probation unless:

- (1) The crime is first or second degree murder or attempted first or second degree murder;
- (2) The crime is a class A felony;
- (3) The defendant is a repeat offender under section 706-606.5; or
- (4) The defendant is a felony firearm offender as defined in section 706-660.1(b)[.]; or
- (5) The crime involved the death of or the infliction of serious or substantial bodily injury upon a child, an elderly person, or a handicapped person under section 706-.”

SECTION 3. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 14, 1988.)

Note

1. Edited pursuant to HRS §23G-16.5.