

ACT 149

H.B. NO. 1300

A Bill for an Act Relating to Crime.

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

SECTION 1. Section 701-108, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A prosecution for murder, murder in the first and second degrees, attempted murder, and attempted murder in the first and second degrees, criminal conspiracy to commit murder in any degree, and criminal solicitation to commit murder in any degree may be commenced at any time.”

SECTION 2. Section 705-512, Hawaii Revised Statutes, is amended to read as follows:

“**§705-512 Grading of criminal solicitation.** Criminal solicitation is an offense one class or grade, as the case may be, less than the offense solicited[.]; provided that criminal solicitation to commit murder in any degree is a class A felony.”

SECTION 3. Section 705-526, Hawaii Revised Statutes, is amended to read as follows:

“**§705-526 Grading of criminal conspiracy.** (1) A conspiracy to commit [a class A felony is a class B felony.

(2)] murder in any degree is a class A felony.

(2) Except as provided in subsection (1), a conspiracy to commit a class A felony is a class B felony.

(3) Except as provided in subsections (1) and (2),<sup>1</sup> conspiracy to commit a crime is an offense of the same class and grade as the most serious offense which is an object of the conspiracy.”

SECTION 4. Section 706-640, Hawaii Revised Statutes, is amended to read as follows:

“**§706-640 Authorized fines.** (1) A person who has been convicted of an offense may be sentenced to pay a fine not exceeding:

- [1] (a) \$50,000, when the conviction is of a class A felony, murder in the first or second degree, or attempted murder in the first or second degree;
- [2] (b) \$25,000, when the conviction is of a class B felony;
- [3] (c) \$10,000, when the conviction is of a class C felony;
- [4] (d) \$2,000, when the conviction is of a misdemeanor;
- [5] (e) \$1,000, when the conviction is of a petty misdemeanor or a violation;
- [6] (f) Any higher amount equal to double the pecuniary gain derived from the offense by the defendant;
- [7] (g) Any higher or lower amount specifically authorized by statute.

(2) Notwithstanding section 706-641, the court shall impose a mandatory fine upon any defendant convicted of theft in the first or second degree committed by receiving stolen property as set forth in section 708-830(7). The fine imposed shall be the greater of double the value of the stolen property received or \$25,000 in the case of a conviction for theft in the first degree; or the greater of double the value of the stolen property received or \$10,000 in the case of a conviction for theft in the second degree. The mandatory fines imposed by this subsection shall not be reduced except and only to the extent that payment of the fine prevents the defendant from making restitution to the victim of the offense, or that the defendant's property, real or otherwise, has been forfeited under chapter 712A as a result of the same conviction for which the defendant is being fined under this subsection. Consequences for nonpayment shall be governed by section 706-644; provided that the court shall not reduce the fine under section 706-644(4) or 706-645."

SECTION 5. Section 710-1018, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) Securing the proceeds of an offense is a class C felony if the person assisted committed a class A or B felony[;] or murder of any degree; otherwise it is a misdemeanor.”

SECTION 6. Section 710-1029, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of hindering prosecution in the first degree if, with the intent to hinder the apprehension, prosecution, conviction, or punishment of another for a class A, B, or C felony[, he] or murder in any degree, the person renders assistance to [such] the other person.”

SECTION 7. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 8. Statutory material to be repealed is bracketed. New statutory material is underscored.

SECTION 9. This Act shall take effect upon its approval.

(Approved June 16, 1997.)

#### Note

1. So in original.