

ACT 275

S.B. NO. 718

A Bill for an Act Relating to Pre-Sentence Diagnosis and Report.

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

SECTION 1. Section 706-601, Hawaii Revised Statutes, is amended to read as follows:

“§706-601 Pre-sentence diagnosis and report. (1) [The] Except as provided in subsections 3 and 4, the court shall order a pre-sentence correctional diagnosis of the defendant and accord due consideration to a written report of the diagnosis before imposing sentence where:

- (a) The defendant has been convicted of a felony; or
- (b) The defendant is less than twenty-two years of age and has been convicted of a crime.
- (2) The court may order a pre-sentence diagnosis in any other case.

(3) With the consent of the court, the requirement of a pre-sentence diagnosis may be waived by agreement of both the defendant and the prosecuting attorney.

(4) The court on its own motion may waive a pre-sentence correctional diagnosis where:

- (a) A prior pre-sentence diagnosis was completed within one year preceding the sentencing in the instant case;
- (b) The defendant is being sentenced for murder or attempted murder in any degree; or
- (c) The sentence was agreed to by the parties and approved by the court under Rule 11 of the Hawaii Rules of Penal Procedure.”

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 Statutory material to be repealed is bracketed.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

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

(Approved June 21, 1997.)