

ACT 286

H.B. NO. 1497

A Bill for an Act Relating to Sentencing.

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- Repeat violent and sexual offender; enhanced sentence. (1) Notwithstanding any other provision of law to the contrary, any person who is convicted of an offense under section 707-701.5, 707-702, 707-730, 707-731, 707-732, 707-733.5, 707-750, or 708-840, after having been convicted on at least three prior and separate occasions of an offense under section 707-701.5, 707-702, 707-710, 707-711, 707-730, 707-731, 707-732, 707-733.5, 707-750, or 708-840, or of an offense under federal law or the laws of another state that is comparable to an offense under section 707-701.5, 707-702, 707-710, 707-711, 707-730, 707-731, 707-732, 707-733.5, 707-750, or 708-840, shall be sentenced to an extended term of imprisonment as provided in section 706-661.

(2) A conviction shall not be considered a prior offense unless the conviction occurred within the following time periods:

- (a) For an offense under section 707-701.5, 707-702, 707-730, 707-733.5, 707-750, or 708-840, within the past twenty years from the date of the instant offense;
- (b) For an offense under section 707-710 or 707-731, within the past ten years from the date of the instant offense;
- (c) For an offense under section 707-711 or 707-732, within the past five years from the date of the instant offense; or
- (d) For an offense under federal law or the laws of another state that is comparable to an offense under section 707-701.5, 707-702, 707-710, 707-711, 707-730, 707-731, 707-732, 707-733.5, 707-750, or 708-840, within the maximum term of imprisonment possible under the appropriate jurisdiction.”

SECTION 2. Section 706-661, Hawaii Revised Statutes, is amended to read as follows:

“§706-661 Sentence of imprisonment for felony; extended terms. In the cases designated in section 706-662, a person who has been convicted of a felony may be sentenced to an extended indeterminate term of imprisonment. When ordering such a sentence, the court shall impose the maximum length of imprisonment which shall be as follows:

- (1) For murder in the second degree—life without the possibility of parole;
- [(1)] (2) For a class A felony—[life;] indeterminate life term of imprisonment;
- [(2)] (3) For a class B felony—[twenty years;] indeterminate twenty-year term of imprisonment; and
- [(3)] (4) For a class C felony—[ten years.] indeterminate ten-year term of imprisonment.

The minimum length of imprisonment for sections 2, 3, and 4 shall be determined by the Hawaii paroling authority in accordance with section 706-669.”

SECTION 3. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 4. Statutory material to be repealed is bracketed. New statutory material is underscored.¹

SECTION 5. This Act shall take effect upon its approval.

(Approved July 6, 1999.)

Note

1. Edited pursuant to HRS §23G-16.5.