

A Bill for an Act Relating to Hawaii Penal Code.

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

SECTION 1. Section 709-906, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (5) to read:

“(5) Abuse of a family or household member and refusal to comply with the lawful order of a police officer under subsection (4) are misdemeanors and the person shall be sentenced as follows:

- (a) For the first offense the person shall serve a minimum jail sentence of forty-eight hours; and
- (b) For a second offense [~~and any other subsequent offense~~] that occurs within one year of the [previous offense,] first conviction, the person shall be termed a “repeat offender” and serve a minimum jail sentence of thirty days.

Upon conviction and sentencing of the defendant, the court shall order that the defendant immediately be incarcerated to serve the mandatory minimum sentence imposed; provided that the defendant may be admitted to bail pending appeal pursuant to chapter 804. The court may stay the imposition of the sentence if special circumstances exist.”

2. By amending subsection (7) to read:

“(7) For a third or any subsequent offense [occurring] that occurs within two years [~~after~~] of a second [misdemeanor] or subsequent conviction, the person shall be charged with a class C felony.”

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved April 5, 2002.)