

ACT 64

S.B. NO. 1274

A Bill for an Act Relating to Manslaughter.

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

SECTION 1. Section 707-702, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

“(2) In a prosecution for murder or attempted murder in the first and second degrees it is [a] an affirmative defense, which reduces the offense to manslaughter[;] or attempted manslaughter, that the defendant was, at the time [~~he~~] the defendant caused the death of the other person, under the influence of extreme mental or emotional disturbance for which there is a reasonable explanation. The reasonable-

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ness of the explanation shall be determined from the viewpoint of a reasonable person in the [~~defendant's situation under the~~] circumstances as [~~he~~] the defendant believed them to be.”

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 Statutory material to be repealed is bracketed and stricken.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 May 19, 2003.)