

ACT 49

S.B. NO. 2844

A Bill for an Act Relating to Crime.

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

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

“§708- Habitual property crime. (1) A person commits the offense of habitual property crime if the person is a habitual property crime perpetrator and commits a misdemeanor offense within this chapter.

(2) For the purposes of this section, “habitual property crime perpetrator” means a person who, within five years of the instant offense, has convictions for:

- (a) Three felonies within this chapter;
- (b) Three misdemeanors within this chapter; or
- (c) Any combination of three felonies and misdemeanors within this chapter.

The convictions must have occurred on separate dates and be for separate incidents on separate dates.

- (3) Habitual property crime is a class C felony.
- (4) For a conviction under this section, the sentence shall be either:
 - (a) An indeterminate term of imprisonment of five years; or
 - (b) A term of probation of five years, with conditions to include but not be limited to one year of imprisonment.”

SECTION 2. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 3. New statutory material is underscored.¹

SECTION 4. This Act shall take effect upon its approval.

(Approved May 4, 2004.)

Note

- 1. Edited pursuant to HRS §23G-16.5.