

A Bill for an Act Relating to Sentencing.

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

SECTION 1. Section 706-606.4, Hawaii Revised Statutes, is amended to read as follows:

“§706-606.4 Sentencing in enumerated offenses ~~[involving abuse of a family or household member]~~ committed in the presence of a minor. (1) In addition to the factors considered under section 706-606, the court shall consider the following aggravating factors in determining the particular sentence to be imposed:

(a) The defendant has been convicted of committing or attempting to commit an offense ~~[involving abuse of a family or household member];~~

~~(b) The defendant is or has been a family or household member of either a minor referred to in paragraph (c) or the victim of the offense]; and~~

~~[(c)]~~ (b) The offense contemporaneously occurred in the presence of a minor.

(2) As used in this section:

~~[“Family or household member” has the same meaning as defined in section 709-906.]~~

“In the presence of a minor” means in the actual physical presence of a child or knowing that a child is present and may hear or see the offense.

“Offense” means a violation of section 707-710 (assault in the first degree), 707-711 (assault in the second degree), 707-730 (sexual assault in the first degree), 707-731 (sexual assault in the second degree), 707-732 (sexual assault in the third degree), or 709-906 (abuse of family or household members).”

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved June 29, 2016.)