

ACT 100

S.B. NO. 2180

A Bill for an Act Relating to Lesser Included Offenses.

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

SECTION 1. Section 701-109, Hawaii Revised Statutes, is amended by amending subsection (4) to read as follows:

“(4) A defendant may be convicted of an offense included in an offense charged in the felony complaint, indictment, or ~~[the]~~ information. An offense is so included when:

- (a) It is established by proof of the same or less than all the facts required to establish the commission of the offense charged;
- (b) It consists of an attempt to commit the offense charged or to commit an offense otherwise included therein; or
- (c) It differs from the offense charged only in the respect that a less serious injury or risk of injury to the same person, property, or public interest or a different state of mind indicating lesser degree of culpability suffices to establish its commission.”

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 Statutory material to be repealed is bracketed and stricken.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 on July 1, 2018.

(Approved June 29, 2018.)