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# A BILL FOR AN ACT

RELATING TO SENTENCING.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Chapter 706, Hawaii Revised Statutes, is  
2 amended by adding a new section to be appropriately designated  
3 and to read as follows:

4 "§706- Mandatory minimum sentence of imprisonment for a  
5 class A felony first degree sexual assault against children.

6 (1) Notwithstanding any provision of chapter 706 to the  
7 contrary, a person convicted of sexual assault in the first  
8 degree under section 707-730(1)(b) shall be sentenced to a  
9 mandatory minimum term of imprisonment, without the possibility  
10 of parole, for a period of twenty years.

11 (2) This section shall not apply to:

12 (a) Convicted defendants who are minors;

13 (b) Convicted defendants who are severely  
14 developmentally disabled; or

15 (c) Convicted defendants who have shown by clear and  
16 convincing evidence that prior to the commission  
17 of the offense:



1                    (i) The minor victim purported to be at least  
2                    sixteen years; and  
3                    (ii) Displayed photographic government issued  
4                    identification corroborating the minor  
5                    victim was at least sixteen years old.

6                    (3) A person sentenced to a minimum sentence pursuant to  
7 this section shall not be released, paroled or allowed any term  
8 of suspended sentence during the minimum term of the person's  
9 sentence."

10                    SECTION 2. New statutory material is underscored.

11                    SECTION 3. This Act shall take effect on July 1, 2050.



**Report Title:**

Sexual Assault of a Minor Less than Fourteen Years; Mandatory  
Minimum Sentencing

**Description:**

Establishes a mandatory minimum sentence of twenty years for  
first degree sexual assault of a minor who is less than fourteen  
years of age. Effective July 1, 2050. (HB2395 HD1)

*The summary description of legislation appearing on this page is for informational purposes only and is  
not legislation or evidence of legislative intent.*

