

STAND. COM. REP. NO. **3335**

Honolulu, Hawaii

APR 03 2008

RE: H.B. No. 2729  
H.D. 1  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 2729, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO BURGLARY,"

begs leave to report as follows:

The purpose of this measure is to create a criminal offense  
of burglary in the first degree, a class A felony.

Your Committee received testimony in support of this measure  
from the Honolulu Prosecuting Attorney, Honolulu Police  
Department, and Hawaii Rifle Association. Testimony in opposition  
was received from the State Public Defender.

Under this measure, burglary in the first degree is committed  
when a person intentionally enters or remains unlawfully in a  
dwelling with the intent to commit a crime against a person or  
property therein, and is armed with a dangerous instrument in the  
course of committing the offense. This measure makes the existing  
crime of burglary in the first degree into burglary in the second  
degree and defines the existing term "in the course of committing  
the offense". The measure also makes the existing crime of  
burglary in the second degree into burglary in the third degree.

Your Committee intends this measure to apply particularly to  
home invasion type burglaries, which are committed by burglars who  
are armed and dangerous. Your Committee believes the class A  
felony designation is warranted in view of the premeditated and

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vicious nature of home invasions that have been known to result in death of or serious injury to the home's occupants.

Your Committee has amended this measure by:

- (1) Changing the definition of "dangerous instrument" to include firearms, among other things, on the recommendation of the Honolulu Prosecuting Attorney; and
- (2) Changing the effective date to July 1, 2050, to continue the discussions on this matter.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2729, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2729, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,



BRIAN T. TANIGUCHI, Chair



