

STAND. COM. REP. NO. 671

Honolulu, Hawaii

March 5, 2009

RE: H.B. No. 147
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 147 entitled:

"A BILL FOR AN ACT RELATING TO THEFT IN THE SECOND DEGREE,"

begs leave to report as follows:

The purpose of this bill is to increase the threshold dollar amount for the offense of theft in the second degree.

The Office of the Public Defender, Community Alliance on Prisons, and several concerned individuals testified in support of this bill. The Attorney General, Department of the Prosecuting Attorney of the City and County of Honolulu, Department of the Prosecuting Attorney of the County of Maui, Honolulu Police Department, Retail Merchants of Hawaii, Hawaii Hotel & Visitor Industry Security Association, Bead It! Inc., DFS Hawaii, Outrigger Enterprises Group, Hawaiian Moon, The Wedding Cafe, ABC Stores, Waikiki Beach Activities, Ltd., Securitas Security Services USA, Inc., Legislative Information Services of Hawaii, and several concerned individuals opposed this measure.

Your Committee finds that the last amendment to the threshold dollar amount for the offense of theft in the second degree occurred in 1986. In that year, the grade of offense for theft in the first degree was reduced to theft in the second degree, and the threshold amount for theft in the second degree was raised from \$200 to \$300. Taking inflation and changes in economic conditions and living standards into account, the time is ripe for

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discussion as to the appropriateness of the present threshold amount. The discussion should explore what other states have done with the dollar amount threshold for the division between felony offenses and misdemeanor offenses. Other issues that should be explored are the changes in the inflation index, earning capacity, and other economic environmental factors.

Accordingly, your Committee has amended this bill by changing the updated threshold dollar amount from \$1,000 to an unspecified amount to encourage further discussion. Other technical, nonsubstantive amendments were made for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 147, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 147, H.D. 1, and be placed on the calendar for Third Reading.

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


JO RIKI KARAMATSU, Chair



