

STAND. COM. REP. NO. 2251

Honolulu, Hawaii

FEB 12 2014

RE: S.B. No. 2383
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2383 entitled:

"A BILL FOR AN ACT RELATING TO UNAUTHORIZED ENTRY INTO MOTOR
VEHICLE,"

begs leave to report as follows:

The purpose and intent of this measure is to add the offense
of unauthorized entry into motor vehicle in the first degree to
the list of offenses for which repeat offenders are subject to
mandatory minimum imprisonment sentencing.

Your Committee received testimony in support of this measure
from seven individuals.

Your Committee finds that there are a number of neighborhoods
that are experiencing an increase in motor vehicle break-ins.
Although the offense of unauthorized entry into motor vehicle in
the first degree is a class C felony, the penalty does not appear
to be effective in serving as a deterrent to repeating this
offense or other offenses. This measure will create a stronger
deterrent by adding the offense of unauthorized entry into motor
vehicle in the first degree to the law relating to mandatory
minimum imprisonment sentencing for repeat offenders.

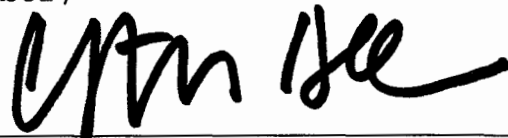
Your Committee has amended this measure by:



- (1) Moving the placement of sections 134-7, 134-8, 134-9, and 708-839.55, Hawaii Revised Statutes, to place the enumerated class C felonies in numerical order;
- (2) Deleting the reference to section 712-1203, Hawaii Revised Statutes, relating to promoting prostitution in the second degree from the list of enumerated class C felonies because this offense is a class B felony;
- (3) Deleting the reference to section 708-831, Hawaii Revised Statutes, relating to theft in the first degree as amended by Act 68, Session Laws of Hawaii 1981, from the list of enumerated class C felonies because this specific offense is no longer applicable under section 706-606.5(2)(e), Hawaii Revised Statutes, which applies the repeat offender mandatory minimum sentencing law when the instant felony offense was committed within five years after a prior felony conviction that was for a class C felony;
- (4) Making technical amendments to the titles of certain enumerated class C felonies to correct the titles or appropriately describe these offenses; and
- (5) Making a technical, nonsubstantive amendment for the purposes of clarity and consistency.

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 S.B. No. 2383, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2383, S.D. 1, and be referred to the Committee on Ways and Means.

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



CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 2383	JDL, WAM	2/7/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama	✓			
SLOM, Sam				✓
TOTAL	6			1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes