

STAND. COM. REP. NO. 964

Honolulu, Hawaii

MAR 24 2015

RE: H.B. No. 1326
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2015
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1326 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Increase from \$300 to \$750 the threshold value for property or services, theft of which constitutes the offense of theft in the second degree beginning on January 1, 2016; and
- (2) Increase the threshold value annually by two percent of the previous year's threshold value for property or services beginning on January 1, 2017, and on January 1 of each year thereafter.

Your Committee received testimony in support of this measure from the Office of the Public Defender, Community Alliance on Prisons, and two individuals. Your Committee received testimony in opposition to this measure from the Department of the Attorney General; Department of the Prosecuting Attorney, County of Maui; Office of the Prosecuting Attorney, County of Hawaii; Office of the Prosecuting Attorney, County of Kauai; Department of the Prosecuting Attorney, City and County of Honolulu; Kailua Neighborhood Board; ABC Stores; Chamber of Commerce Hawaii; Hawaii Food Industry Association; Retail Merchants of Hawaii; and sixteen individuals.

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Your Committee finds that the last time the threshold value of property or services under the offense of theft in the second degree was increased was 1986, and the prices of consumer items have steadily increased since then. This measure updates the threshold value of property under the offense of theft in the second degree to better reflect the continuing rise in prices of consumer items.

Your Committee notes the concerns raised by the Department of the Attorney General that the automatic two percent annual increase of the threshold value for property or services proposed in this measure may create enforcement and prosecution issues. The annual increases will continue to be adjusted at odd amounts that will not be prescribed under law.

Accordingly, your Committee has amended this measure by:

- (1) Deleting language that provides an automatic two percent annual increase of the threshold value for property or services;
- (2) Inserting a threshold value for property or services of \$600 rather than \$750; and
- (3) Making technical, nonsubstantive amendments 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 H.B. No. 1326, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1326, 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,


GILBERT S.C. KEITH-AGARAN Chair



The Senate
 Twenty-Eighth Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB1326	Committee Referral: JDL, WAM	Date: 3/16/15		
<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
KEITH-AGARAN, Gilbert S.C. (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
ESPERO, Will	✓			
GABBARD, Mike		✓		
IHARA, Jr., Les				✓
THIELEN, Laura H.				✓
SLOM, Sam			✓	
TOTAL	3	1	1	2
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