

JAN 17 2020

A BILL FOR AN ACT

RELATING TO OFFENSES AGAINST PROPERTY RIGHTS.

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

1 SECTION 1. The Hawaii Revised Statutes contain a number of
2 provisions aimed at addressing the high number of vehicle thefts
3 that occur on the island of Oahu. Frequently, a stolen vehicle
4 is recovered during the commission of a crime or after it has
5 been used to commit other crimes. In many vehicle theft cases,
6 the vehicle is recovered while being operated or occupied by
7 individuals who were not authorized to operate or occupy the
8 vehicle. However, law enforcement may be unable to connect the
9 actual theft of the vehicle with a specific individual.

10 Current statutory provisions have been rendered ineffective
11 by state court rulings that require the State to prove that a
12 defendant operating or occupying a stolen vehicle knew that the
13 vehicle was stolen. In the great majority of cases, this
14 requires a confession from the defendant, which may be difficult
15 to obtain because defendants have the right to remain silent.
16 Thus, law enforcement is often hindered in meeting the burden of
17 proof needed to prosecute these cases.



1 The purpose of this Act is to establish the offense of
2 unauthorized detention of propelled vehicle, which applies if a
3 propelled vehicle is stolen and a person obtains possession of
4 the vehicle from another without first making a reasonable
5 inquiry as to whether the other party had the legal right to
6 sell or deliver the vehicle.

7 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
8 amended by adding a new section to part IV to be appropriately
9 designated and to read as follows:

10 "§708-_____ Unauthorized detention of propelled vehicle.

11 (1) A person commits the offense of unauthorized detention of a
12 propelled vehicle if:

13 (a) The propelled vehicle was taken in an act of theft in
14 the first degree under section 708-830.5, theft in the
15 second degree under section 708-831, theft in the
16 third degree under section 708-832, theft in the
17 fourth degree under section 708-833, or unauthorized
18 control of propelled vehicle under section 708-836;
19 and

20 (b) The person recklessly or negligently obtains
21 possession of the propelled vehicle from another



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1 person without first making a reasonable inquiry as to
2 whether the other person had the legal right to sell
3 or deliver the propelled vehicle.

4 (2) Unauthorized detention of propelled vehicle is a
5 misdemeanor.

6 (3) For the purposes of this section, "propelled vehicle"
7 shall have the same meaning as in section 708-836(2)."

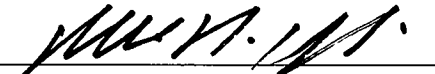
8 SECTION 3. This Act does not affect rights and duties that
9 matured, penalties that were incurred, and proceedings that were
10 begun before its effective date.

11 SECTION 4. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13

INTRODUCED BY: _____


By Request



S.B. NO. 2153

Report Title:

Honolulu Police Department Package; Vehicles; Detention

Description:

Establishes the offense of unauthorized detention of propelled vehicle, which applies if a propelled vehicle is stolen and a person obtains possession of the vehicle from another without first making a reasonable inquiry as to whether the other party had the legal right to sell or deliver the vehicle.

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