

STAND. COM. REP. NO. 620-20

Honolulu, Hawaii

FEB 14, 2020

RE: H.B. No. 2571
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2571 entitled:

"A BILL FOR AN ACT RELATING TO THEFT,"

begs leave to report as follows:

The purpose of this measure is to create the theft of a bicycle as a Class C felony.

Your Committee received testimony in support of this measure from the Maui Police Department and Hawaii Bicycling League. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that as more people have begun to use bicycles to commute to work, bicycle theft has become a pernicious offense that can deprive an individual of not just their personal property, but also their ability to earn an income. Your Committee further finds that although existing law classifies the theft of a bicycle valued at \$750 or more as a Class C felony, many bicycles are sold below the \$750 threshold. Your Committee believes that establishing the theft of any bicycle as a separate crime will serve to deter theft of all bicycles.

HB2571 HD1 HSCR JUD HMS 2020-1162



Your Committee further finds that the State's Penal Code does not adequately address situations where an offender takes the property of another that is commonly used to store items of personal or monetary value, such as purses, handbags, or wallets. Your Committee believes that specifying this particular offense as a felony may have a long-term deterrent effect and create a safer environment for the community.

Accordingly, your Committee has amended this measure by inserting the contents of H.B. No. 1738 (Regular Session 2020), which amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.

Your Committee has further amended this measure by:

- (1) Requiring property owners to hold illegally parked bicycles found on their property for seven days, after which the illegally parked bicycle shall become the property of the property owner;
- (2) Establishing that for the first offense of theft of a bicycle, a person shall be guilty of a misdemeanor, and, for the second and each subsequent offense, shall be guilty of a Class C felony;
- (3) Inserting a definition for "toy bicycle";
- (4) Changing its effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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. 2571, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2571, H.D. 1, and be referred to your Committee on Finance.



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



CHRIS LEE, Chair



State of Hawaii
House of Representatives
The THIRTIETH Legislature

HSCR 62D-2D

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2571	Committee Referral: JUD, FIN	Date: 2/13/2020		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. LEE, Chris (C)	/			
2. SAN BUENAVENTURA, Joy A. (VC)	/			
3. BROWER, Tom	/			
4. CREAGAN, Richard P.		/		
5. LOWEN, Nicole E.				/
6. McKELVEY, Angus L.K.		/		
7. NAKASHIMA, Mark M.	/			
8. PERRUSO, Amy A.		/		
9. SAY, Calvin K.Y.				/
10. TAKAYAMA, Gregg	/			
11. YAMANE, Ryan I.				/
12. THIELEN, Cynthia	/			
TOTAL (12)	6	3		3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: _____				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				