

STAND. COM. REP. NO.

2933

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2153
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirtieth State Legislature
Regular Session of 2020
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2153 entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the offense of unauthorized detention of a 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.

Your Committee received testimony in support of this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual.

Your Committee finds that there are number of statutory provisions enacted to address the high number of vehicle thefts that occur in the State, especially on the island of Oahu. Frequently, a stolen vehicle is recovered during the commission of a crime or after it has been used to commit other crimes. Under existing law, it can be difficult to prove that a defendant operating or occupying a stolen vehicle knew that the vehicle was



stolen. This measure establishes the offense of unauthorized detention of a propelled vehicle to place criminal liability on individuals who recklessly or negligently take possession of a vehicle that may be stolen.

Your Committee has amended this measure by:

- (1) Designating the existing offense of unauthorized control of a propelled vehicle as an offense in the first degree;
- (2) Establishing the offense of unauthorized control of a propelled vehicle in the second degree, which occurs when a person recklessly or negligently exerts unauthorized control over another's propelled vehicle by operating the vehicle without the owner's consent or by changing the identity of the vehicle without the owner's consent;
- (3) Amending section 1 to reflect its amended purpose; and
- (4) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2153, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2153, S.D. 1, and be placed on the calendar for Third Reading.

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




KARL RHOADS, Chair



The Senate
Thirtieth Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:* SB 2153	Committee Referral: JDC	Date: 2/14/2020		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike	/			
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
TOTAL	4			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