
A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. The legislature finds that addressing Hawaii's
2 high cost of living means empowering residents with cheaper
3 options to commute, especially for the next generation. In the
4 year 2000, ninety-nine per cent of all eighteen to
5 nineteen-year-old residents held driver's licenses. Today, that
6 number has fallen to just sixty per cent. People are more
7 frequently using alternative transportation such as commuting by
8 bicycle at significant cost savings.

9 Bicycles are less burdensome on the State's infrastructure.
10 Every resident that transitions from commuting by car to
11 commuting by bicycle reduces road wear, congestion, and traffic.
12 Bicycles also produce zero emissions and can replace dirtier
13 means of transportation, thereby reducing the State's dependence
14 on imported fossil fuels.

15 However, the legislature also finds that bicycle theft is a
16 growing challenge. Bicycle theft is a particularly pernicious
17 property offense against residents who commute by bicycle,



1 especially to work. As a result, bicycle theft can deprive a
2 person of their property interest and their ability to earn
3 income.

4 Currently, there is no expressly defined offense for theft
5 of a bicycle. Therefore, in order to deter theft of all
6 bicycles, and in consideration of the important role of bicycles
7 in many working families' lives and livelihoods, the legislature
8 believes that theft of a bicycle of any value should be
9 expressly defined as theft in the second degree.

10 The purpose of this Act is to establish that theft of a
11 bicycle is theft in the second degree, a class C felony.

12 SECTION 2. Section 708-800, Hawaii Revised Statutes, is
13 amended by adding two new definitions to be appropriately
14 inserted and to read as follows:

15 "Bicycle" has the same meaning as section 291C-1.

16 "Toy Bicycle" means every device propelled solely by human
17 power upon which any person may ride, having two tandem wheels,
18 including any device generally recognized as a bicycle though
19 equipped with two front or two rear wheels, which has a seat
20 height of not more than twenty-five inches from the ground when



1 the seat is adjusted to its highest position; or a nonmotorized
2 scooter or similar device regardless of seat height."

3 SECTION 3. Section 708-831, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of theft in the second
6 degree if the person commits theft:

7 (a) Of property from the person of another;

8 (b) Of property or services the value of which exceeds
9 \$750;

10 (c) Of an aquacultural product or part thereof from
11 premises that are fenced or enclosed in a manner
12 designed to exclude intruders or there is prominently
13 displayed on the premises a sign or signs sufficient
14 to give notice and reading as follows: "Private
15 Property", "No Trespassing", or a substantially
16 similar message;

17 (d) Of agricultural equipment, supplies, or products, or
18 part thereof, the value of which exceeds \$100 but does
19 not exceed \$20,000, or of agricultural products that
20 exceed twenty-five pounds, from premises that are
21 fenced, enclosed, or secured in a manner designed to



1 exclude intruders or there is prominently displayed on
2 the premises a sign or signs sufficient to give notice
3 and reading as follows: "Private Property", "No
4 Trespassing", or a substantially similar message; or
5 if at the point of entry of the premise, a crop is
6 visible. The sign or signs, containing letters not
7 less than two inches in height, shall be placed along
8 the boundary line of the land in a manner and in such
9 a position as to be clearly noticeable from outside
10 the boundary line. Possession of agricultural
11 products without ownership and movement certificates,
12 when a certificate is required pursuant to chapter
13 145, is prima facie evidence that the products are or
14 have been stolen; or

15 (e) Of agricultural commodities that are generally known
16 to be marketed for commercial purposes. Possession of
17 agricultural commodities without ownership and
18 movement certificates, when a certificate is required
19 pursuant to section 145-22, is prima facie evidence
20 that the products are or have been stolen; provided



1 that "agriculture commodities" has the same meaning as
2 in section 145-21[-]; or
3 (f) Of a bicycle."

4 SECTION 4. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 5. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 6. This Act shall take effect upon its approval.



Report Title:

Theft of a Bicycle; Misdemeanor; Felony

Description:

Establishes that theft of a bicycle constitutes theft in the second degree, a class C felony. Adds the definition of "bicycle" and "toy bicycle" to section 708-800, Hawaii Revised Statutes. (SD1)

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