

Honolulu, Hawaii

MAR 03 , 2022
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RE: H.B. No. 1469
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1469 entitled:

"A BILL FOR AN ACT RELATING TO UNAUTHORIZED CONTROL OF A PROPELLED VEHICLE,"

begs leave to report as follows:

The purpose of this measure is to establish an affirmative defense to prosecution of unauthorized control of a propelled vehicle in the first and second degree, where the defendant purchased the vehicle in good faith and believed oneself to be the actual owner of the vehicle.

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

Your Committee finds that prosecutors are often blindsided during trials related to the unauthorized control of a propelled vehicle when defendants make an inference during the questioning of a witness, or personally testify, that they purchased the vehicle. If a defendant has in fact purchased a vehicle, that information should be relayed to prosecution for proper



investigation. This will also ensure that a defendant is not wrongfully prosecuted and resources are not wasted.

Your Committee has amended this measure by 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 & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1469, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1469, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



MARK M. NAKASHIMA, Chair



