STAND. COM. REP. NO. 327

Honolulu, Hawaii

FEB 1 8 2021

RE: S.B. No. 771 S.D. 1

Honorable Ronald D. Kouchi President of the Senate Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Transportation, to which was referred S.B. No. 771 entitled:

"A BILL FOR AN ACT RELATING TO THEFT,"

begs leave to report as follows:

The purpose and intent of this measure is to

- (1) Establish the offense of theft of a bicycle; and
- (2) Establish penalties for conviction of the offense of theft of a bicycle.

Your Committee received testimony in support of this measure from the Hawaii Bicycling League and two individuals. 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 many more people are commuting by bicycle than ever before. Due to the high cost of living in the State, including parking expenses, gasoline prices, and upkeep of motor vehicles, more people are relying on bicycles as their primary mode of transportation. When a bicycle is stolen from someone who uses it as their primary mode of commuting to and from work, it hampers their ability to earn an income. Existing law

does not have an express provision for the theft of a bicycle. This measure will serve to deter bicycle theft.

Your Committee has amended this measure by:

- (1) Classifying theft of a bicycle as an offense under theft in the second degree, a class C felony, in section 708-831, Hawaii Revised Statutes, instead of creating a new statute to classify the offense of theft of a bicycle;
- Adding the definitions of "bicycle" and "toy bicycle" to (2) section 708-800, Hawaii Revised Statutes;
- Deleting language that would have exempted theft of a (3) bicycle from inclusion in the offense of habitual property crime; and
- 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 Transportation that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 771, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 771, S.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Transportation,

The Senate Thirty-First Legislature State of Hawai'i

Record of Votes Committee on Transportation TRS

Bill / Resolution No.:* Committee Referral: Date:				
SB 771 TRS, JDC 2/16/2021				
The Committee is reconsidering its previous decision on this measure.				
If so, then the previous decision was to:				
The Recommendation is:				
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313				
Members	Aye	Aye (WR)	Nay	Excused
LEE, Chris (C)	V			
INOUYE, Lorraine R. (VC)	V/			
ENGLISH, J. Kalani	V			
SHIMABUKURO, Maile S.L.				
FEVELLA, Kurt				
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TOTAL	3			
Recommendation: Adopted 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