

Honolulu, Hawaii  
March 3, 2016

RE: H.B. No. 2645  
H.D. 1

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2645 entitled:

"A BILL FOR AN ACT RELATING TO THEFT OF BICYCLE,"

begs leave to report as follows:

The purpose of this measure is to establish the offense of theft of a bicycle in recognition of the serious nature of an act that may deprive its victim of the victim's sole means of transportation.

The Hawaii Bicycling League and Bikeshare Hawaii testified in support of the measure. The Office of the Public Defender testified in opposition.

Your Committee has amended this measure by:

- (1) Deleting language that would have established theft of a bicycle as a new offense;
- (2) Inserting new language into existing statutes that establish the offenses of theft in the first, second, third, and fourth degrees to specify that the defendant's knowledge that the bicycle was used by the victim to commute to work or for the victim's employment shall be an aggravating factor in the court's determination of sentencing;



- (3) Inserting a savings clause stating that this measure does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date; and
- (4) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the dollar value of property that is stolen does not always reflect the injuries suffered by the victim of the crime. The theft of a bicycle is one such instance of this situation. Where the victim used the bicycle for travel to or from work, or used it in work, the victim's loss of use of the bicycle may have adverse consequences substantially beyond the cost of a replacement. While this loss might be redressed by an order for restitution to the victim under section 706-646, Hawaii Revised Statutes, your Committee finds that the court should be required to consider the victim's loss of use of the bicycle as an aggravating factor when imposing a sentence for the crime.

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. 2645, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2645, H.D. 1, and be placed on the calendar for Third Reading.

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



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KARL RHOADS, Chair



