

STAND. COM. REP. NO.

765

Honolulu, Hawaii

, 2021

MAR 04

RE: H.B. No. 172

H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 172 entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish the offense of unauthorized control of a propelled vehicle in the second degree.

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

Your Committee finds that existing law aims to punish or deter the theft of propelled vehicles. Your Committee further finds, however, that court rulings require the prosecution to prove that a defendant knew the propelled vehicle was stolen: This has hindered efforts to prosecute persons operating stolen vehicles. This measure will provide law enforcement agencies with the flexibility that is necessary to prosecute persons who recklessly or negligently exert unauthorized control of 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.

2021-2025 HB172 HD1 HSCR HMSO



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. 172, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 172, 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



State of Hawaii
House of Representatives
The Thirty-first Legislature

HSCR 765

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 172	Committee Referral: JHA	Date: 2-23-21		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.	✓			
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.	✓			
7. McKELVEY, Angus L.K.	✓			
8. NAKAMURA, Nadine K.	✓			
9. TAKUMI, Roy M.	✓			
10. TODD, Chris	✓			
11. TOKIOKA, James Kunane	✓			
12. WARD, Gene	✓			
TOTAL (12)	12	0	0	0
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature: 				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				