Honolulu, Hawaii

Feb 28 , 2008

RE: H.B. No. 2729 H.D. 1

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Fourth State Legislature Regular Session of 2008 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2729 entitled:

"A BILL FOR AN ACT RELATING TO BURGLARY,"

begs leave to report as follows:

The purpose of this bill is increase the penalty for burglaries by creating a new category of burglary in the first degree for crimes that take place in a dwelling and involve a dangerous instrument.

The Hawaii Rifle Association testified in support of this bill. The Office of the Public Defender, the City and County of Honolulu Department of the Prosecuting Attorney, the Community Alliance on Prisons, and an individual opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting references to firearms from the definition of a "dangerous instrument";
- (2) Including as a criterion in the new offense of burglary in the second degree, the reckless disregard of a risk that the building is a dwelling; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2729, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2729, H.D. 1, and be placed on the calendar for Third Reading.

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

TOMMY WATERS. Ch

State of Hawaii House of Representatives The Twenty-fourth Legislature



Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 2729	Committee Referral: J UD	Date	2/5/08	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: □ Pass, unamended (as is) Pass, with amendments (HD) □ Hold □ Pass short form bill with HD to recommit for future public hearing (recommit)				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. WATERS, Tommy (C)				
2. OSHIRO, Blake K. (VC)				
3. EVANS, Cindy				
4. GREEN, Josh, M.D.				
5. ITO, Ken				
6. LUKE, Sylvia		9		-
7. McKELVEY, Angus L.K.			900	
8. MORITA, Hermina M.				
9. SONSON, Alex M.				
10. SOUKI, Joseph M.				
11. TSUJI, Clift				
12. YAMANE, Ryan I.		NEGOCIALIS CARRIED DE LOS COMOS		
13. YAMASHITA, Kyle T.				
14. MARUMOTO, Barbara C.		of the contribution of the first the first		
15. PINE, Kymberly Marcos				
16. THIELEN, Cynthia			T. L. C.	
13-1-2-1			1111	
and the same of th				
				K-1/
TOTAL (16)	11			3
The recommendation is: Adopted				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office				