
A BILL FOR AN ACT

RELATING TO THEFT OF BICYCLE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 708-830.5, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) Theft in the first degree is a class B felony. The
4 court, in determining the particular sentence to be imposed for
5 a violation of subsection (1) that involves the intentional
6 theft of a bicycle that served as an individual's primary mode
7 of transportation to and from work or that was necessary for the
8 performance of an individual's employment, shall consider such
9 intent as an aggravating factor."

10 SECTION 2. Section 708-831, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Theft in the second degree is a class C felony.

13 (a) A person convicted of committing the offense of theft
14 in the second degree under ~~[(+)]~~subsection (1) ~~[(+)]~~(c) and
15 (d) shall be sentenced in accordance with chapter 706,
16 except that for the first offense, the court may
17 impose a minimum sentence of a fine of at least \$1,000



1 or two-fold damages sustained by the victim, whichever
2 is greater.

3 (b) The court, in determining the particular sentence to
4 be imposed for a violation of subsection (1)(a) or (b)
5 that involves the intentional theft of a bicycle that
6 served as an individual's primary mode of
7 transportation to and from work or that was necessary
8 for the performance of an individual's employment,
9 shall consider such intent as an aggravating factor."

10 SECTION 3. Section 708-832, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Theft in the third degree is a misdemeanor. The
13 court, in determining the particular sentence to be imposed for
14 a violation of subsection (1)(a) that involves the intentional
15 theft of a bicycle that served as an individual's primary mode
16 of transportation to and from work or that was necessary for the
17 performance of an individual's employment, shall consider such
18 intent as an aggravating factor."

19 SECTION 4. Section 708-833, Hawaii Revised Statutes, is
20 amended by amending subsection (2) to read as follows:



1 "(2) Theft in the fourth degree is a petty misdemeanor.
2 The court, in determining the particular sentence to be imposed
3 for a violation of subsection (1) that involves the intentional
4 theft of a bicycle that served as an individual's primary mode
5 of transportation to and from work or that was necessary for the
6 performance of an individual's employment, shall consider such
7 intent as an aggravating factor."

8 SECTION 5. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 6. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 7. This Act shall take effect upon its approval.



Report Title:

Theft of Bicycle; Sentencing

Description:

Requires consideration of a defendant's knowledge that a stolen bicycle was the victim's transportation to and from work or was necessary to the victim's employment in imposing a sentence for theft of a bicycle. (HB2645 HD1)

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