

HB2645, HD1

TESTIMONY

**Testimony of the Office of the Public Defender,  
State of Hawaii to the Senate Committee on  
Transportation and Energy**

March 17, 2016

H.B. No. 2645, HD1:       RELATING TO THEFT OF BICYCLE

Chair Inouye and Members of the Committee:

We oppose H.B. No. 2645, HD1, which makes the theft of a bicycle that is the primary mode of transportation of a victim an aggravating factor in sentencing.

In order for the court to be able to sentence a defendant under this measure, the aggravating factor must first be alleged in the charging documents, such as the complaint, indictment or information (charging). The state would then have to prove at trial, beyond a reasonable doubt, that the defendant knew that the bicycle was used as a primary mode of transportation, or that it was necessary for the performance of an individual's employment.

The vast majority of bicycle thefts go unsolved. Those that do result in prosecution rarely go to trial. A judge can and should consider the impact of a crime on its victim. In this case, without burdening the state with an additional element of proof, the prosecution can merely make assertions to the court of the impact of a bike theft to its victim, or have the victim address the court directly.

We believe that the current theft statutes adequately cover all forms of theft of personal property including bicycles. The penalties for the theft offenses are dependent upon the value of the items stolen. We believe this is the appropriate and proper method for the classification of property crimes.

Thank you for the opportunity to provide testimony in this matter.

**Kaala Coleman**

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**From:** mailinglist@capitol.hawaii.gov  
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**Subject:** \*Submitted testimony for HB2645 on Mar 17, 2016 14:45PM\*

**HB2645**

Submitted on: 3/15/2016

Testimony for TRE on Mar 17, 2016 14:45PM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Jared Fontaine	Individual	Support	No

**Comments:**

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