

JAN 22 2021

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# A BILL FOR AN ACT

RELATING TO THEFT.

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

1           SECTION 1. The legislature finds that addressing Hawaii's  
2 high cost of living means empowering residents with cheaper  
3 options to commute, especially for the next generation. In the  
4 year 2000, ninety-nine per cent of all eighteen to  
5 nineteen-year-old residents held driver's licenses. Today, that  
6 number has fallen to just sixty per cent. People are more  
7 frequently using alternative transportation such as commuting by  
8 bicycle at significant cost savings.

9           Bicycles are less burdensome on the State's infrastructure.  
10 Every resident that transitions from commuting by car to  
11 commuting by bicycle reduces road wear, congestion, and traffic.  
12 Bicycles also produce zero emissions and can replace dirtier  
13 means of transportation, thereby reducing the State's dependence  
14 on imported fossil fuels.

15           However, the legislature also finds that bicycle theft is a  
16 growing challenge. Bicycle theft is a particularly pernicious  
17 property offense against residents who commute by bicycle,



1 especially to work. As a result, bicycle theft can deprive a  
2 person of their property interest and their ability to earn  
3 income. For this very reason, theft of a vehicle, regardless of  
4 its dollar value, is an expressly defined offense.

5 Currently, there is no expressly defined offense for theft  
6 of a bicycle. Theft of a bicycle valued at more than \$750 is a  
7 class C felony under the offense of theft in the second degree  
8 in section 708-831, Hawaii Revised Statutes. However, many  
9 bicycles are sold for less than \$750, which contributes to both  
10 their popularity as a means of reducing the cost of living, and  
11 as a target for theft since there exists little penalty.  
12 Therefore, in order to deter theft of all bicycles, and in  
13 consideration of the important role of bicycles in many working  
14 families' lives, the legislature believes that theft of a  
15 bicycle of any value should be expressly defined in the penal  
16 code similarly to theft of a motor vehicle.

17 The purpose of this Act is to establish the offense of  
18 theft of a bicycle.

19 SECTION 2. Chapter 708, Hawaii Revised Statutes, is  
20 amended by adding a new section to part IV to be appropriately  
21 designated and to read as follows:



1           "§708-        Theft of a bicycle. (1) Notwithstanding  
2 section 708-803 and any other law to the contrary, a person  
3 commits the offense of theft of a bicycle if the person commits  
4 theft of a bicycle by any means under section 708-830.

5           (2) For the purposes of this section:

6           "Bicycle" means:

7           (a) A vehicle propelled solely by human power upon which  
8 any person may ride, having two tandem wheels, and  
9 including any vehicle generally recognized as a  
10 bicycle though equipped with two front or two rear  
11 wheels except a toy bicycle; or

12           (b) A low-speed electric bicycle, as defined under title  
13 15 United States Code section 2085.

14           "Toy bicycle" means every device propelled solely by human  
15 power upon which any person may ride, having two tandem wheels,  
16 including any device generally recognized as a bicycle though  
17 equipped with two front or two rear wheels, which has a seat  
18 height of not more than twenty-five inches from the ground when  
19 the seat is adjusted to its highest position; or a nonmotorized  
20 scooter or similar device regardless of seat height.



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1        (3) A person who commits the offense of theft of a bicycle  
2 shall:

3        (a) For the first offense, be guilty of a misdemeanor; and

4        (b) For the second and each subsequent offense that occurs  
5 within five years of a prior conviction for an offense  
6 under this section, be guilty of a class C felony."

7        SECTION 3. Section 708-803, Hawaii Revised Statutes, is  
8 amended by amending subsection (1) to read as follows:

9        "(1) A person commits the offense of habitual property  
10 crime if the person is a habitual property crime perpetrator and  
11 commits a property crime~~[-]~~; provided that this section shall  
12 not apply to a person who commits the offense of theft of a  
13 bicycle under section 708- ."

14        SECTION 4. This Act does not affect rights and duties that  
15 matured, penalties that were incurred, and proceedings that were  
16 begun before its effective date.

17        SECTION 5. Statutory material to be repealed is bracketed  
18 and stricken. New statutory material is underscored.

19        SECTION 6. This Act shall take effect upon its approval.

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INTRODUCED BY: 



# S.B. NO. 771

**Report Title:**

Theft of a Bicycle; Misdemeanor; Felony

**Description:**

Establishes the offense of theft of a bicycle. Provides that the first offense shall be a misdemeanor and that the second and each subsequent offense that occurs within 5 years of a prior conviction for the same offense shall be a class C felony. Specifies that the offense of habitual property crime shall not apply to a person who commits the offense of theft of a bicycle.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

