STAND. COM. REP. NO. 2888

Honolulu, Hawaii

MAR 0 6 2026

RE: S.B. No. 3072
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2026
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3072 entitled:

"A BILL FOR AN ACT RELATING TO THEFT,"

begs leave to report as follows:

The purpose and intent of this measure is to require a mandatory twelve-month minimum sentence of incarceration for a conviction of theft in the first degree when the value of the property or services stolen exceeds $250,000, whether imposed as a mandatory minimum sentence for an indeterminate term of imprisonment or as a condition of probation, in addition to any other authorized disposition such as restitution or a fine.

Your Committee received testimony in support of this measure from the Department of the Attorney General, Honolulu Police Department, and three individuals.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee received comments on this measure from one individual.

Your Committee finds that under existing law, theft of property or services exceeding $20,000 is treated the same whether the amount taken is slightly above or hundreds of thousands of

dollars more than this threshold. Additionally, even in cases involving exceptionally large losses, courts may still only impose probation, restitution, and fines. Under this framework, white collar offenders who steal hundreds of thousands of dollars may avoid incarceration while petty thieves, if convicted for three or more times for far lower-value thefts, face a mandatory minimum period of incarceration of not less than twelve months under the habitual property crime statute, regardless of the total value of the property stolen. This measure addresses this fundamental inequity in existing theft laws by enhancing deterrence, promoting fairness, and better reflecting the gravity of harm inflicted on victims.

Your Committee has amended this measure by:

(1) Specifying that the minimum term of imprisonment of twelve months shall be without possibility of parole; and

(2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 3072, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 3072, S.D. 1, and be placed on the calendar for Third Reading.

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

KARL RHOADS, Chair

The Senate
Thirty-Third Legislature
State of Hawai'i

# Record of Votes
# Committee on Judiciary
# JDC

| Bill / Resolution No.:* | Committee Referral: | Date: |
|---|---|---|
| SB 3072 | JDC | 2/25/26 |

☐ The Committee is reconsidering its previous decision on this measure.

If so, then the previous decision was to: _____

The Recommendation is:

☐ Pass, unamended 2312 ☑ Pass, with amendments 2311 ☐ Hold 2310 ☐ Recommit 2313

| Members | Aye | Aye (WR) | Nay | Excused |
|---|---|---|---|---|
| RHOADS, Karl (C) | ✓ | | | |
| GABBARD, Mike (VC) | | ✓ | | |
| CHANG, Stanley | ✓ | | | |
| SAN BUENAVENTURA, Joy A. | ✓ | | | |
| AWA, Brenton | ✓ | | | |
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| **TOTAL** | 4 | 1 | — | — |

Recommendation: ☑ Adopted ☐ Not Adopted

Chair's or Designee's Signature:

**Distribution:** Original — File with Committee Report; Yellow — Committee; Pink — Drafting Agency

*Only one measure per Record of Votes

Revised: 01/02/26