

TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FOURTH LEGISLATURE, 2008

ON THE FOLLOWING MEASURE:

H.B. NO. 2347, RELATING TO METAL.

BEFORE THE:

HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

DATE: Monday, January 28, 2008 **TIME:** 2:05 PM

LOCATION: State Capitol, Room 325
Deliver to: Committee Clerk, Room 315, 5 copies

TESTIFIER(S): Mark J. Bennett, Attorney General
or Lance M. Goto, Deputy Attorney General

Chair Herkes and Members of the Committee:

The Department of the Attorney General supports this measure.

The purpose of this bill is to affirm that an offender may be punished under section 445-235, Hawaii Revised Statutes, for violating either section 445-232 or section 445-233, Hawaii Revised Statutes.

During the 2007 legislative session, we opined that the proposed amendment was not necessary, but we do not have any objection to it as it affirms the Legislature's intent.

The Department respectfully requests that this bill be passed.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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1060 RICHARDS STREET, HONOLULU, HAWAII 96813
AREA CODE 808 • 527-6516

PETER B. CARLISLE
PROSECUTING ATTORNEY



DOUGLAS S. CHIN
FIRST DEPUTY
PROSECUTING ATTORNEY

THE HONORABLE ROBERT HERKES, CHAIR
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

January 28, 2008

RE: H.B. 2347; RELATING TO METAL.

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of House Bill 2347.

The purpose of this bill is to clarify that the legislature's intent was to impose penalties for either a violation of the scrap dealer licensing law (HRS section 445-232) or a violation of the requirement that sales of scrap be documented (HRS section 445-233).

As currently drafted, a person incurs a penalty for violation of sections 445-232 and 445-233, or any person who falsifies a statement. This construction could be construed to mean that a person had to violate both the licensing and the documentation requirements before a penalty would be imposed. We believed that it was not the legislature's intent given the legislative history from 1976 which indicates the necessity for documentation of sales to combat fencing of stolen goods and the necessity of licensing to ensure appropriate regulation of persons who buy scrap metal. With this amendment, any ambiguity will be addressed and violations of the state licensing and documentation laws can be applied by the police, prosecutors and courts without any uncertainty.

For this reason, we respectfully ask that you pass H.B. 2347 and thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU
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MUSI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZOLU
MICHAEL D. TUCKER
DEPUTY CHIEFS

OUR REFERENCE KK-MK

January 29, 2008

LATE TESTIMONY

The Honorable Robert N. Herkes, Chair
and Members
Committee on Consumer Protection
and Commerce
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Herkes and Members:

Subject: House Bill No. 2347, Relating to Metal

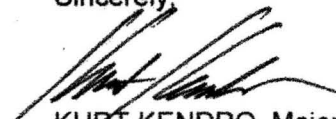
I am Major Kurt Kendro of District 5 (Kalihi) of the Honolulu Police Department, City and County of Honolulu. I had testified in support of this bill at the committee hearing held on Monday, January 28, 2008.

The Honolulu Police Department supports House Bill No. 2347 Relating to Metal.

This bill would affirm that the penalties in section 445-235, Hawaii Revised Statutes (HRS), apply if a scrap dealer violates either HRS section 445-232 or 445-233. It would clarify the legislature's intent when the law originally passed in 1976 and remove any ambiguity in the law so that enforcement actions can be taken without any uncertainty.

Thank you for the opportunity to testify in support of this bill.

Sincerely,



KURT KENDRO, Major
District 5

APPROVED:


for: BOISSE P. CORREA
Chief of Police