

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

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 2347, H.D. 1, RELATING TO METAL.

**BEFORE THE:**

SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION, AND AFFORDABLE HOUSING

**DATE:** Thursday, March 13, 2008 **TIME:** 10:00 AM

**LOCATION:** State Capitol Room 229  
*Deliver to: Committee Clerk, Room 407, 1 copy*

**TESTIFIER(S):** WRITTEN TESTIMONY ONLY.  
(For more information, please call Lance M. Goto,  
Deputy Attorney General, at 586-1160.)

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Chair Kokubun and Members of the Committee:

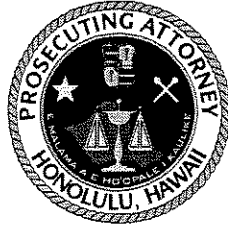
The Department of the Attorney General supports this measure.

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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**THE HONORABLE RUSSELL KOKUBUN, CHAIR  
SENATE COMMITTEE ON COMMERCE, CONSUMER PROTECTION  
AND AFFORDABLE HOUSING**

Twenty-Fourth State Legislature  
Regular Session of 2008  
State of Hawaii

March 13, 2008

**RE: H.B. 2347, H.D. 1; RELATING TO METAL.**

Chair Kokubun and members of the Senate Committee on Commerce, Consumer Protection and Affordable Housing, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of House Bill 2347, H.D. 1.

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, H.D. 1 and thank you for this opportunity to testify.