

**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 JUDICIARY

DATE: Friday, February 15, 2008 **TIME:** 2:00 PM

LOCATION: State Capitol, Room 325
Deliver to: Committee Clerk, Room 302, 5 copies.

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

Chair Waters 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.

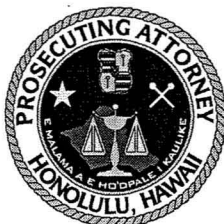
During the 2007 legislative session, we opined that the proposed amendment was not necessary, but we do not have any objection to it as it affirms the Legislature's intent.

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 TOMMY WATERS, CHAIR
HOUSE COMMITTEE ON JUDICIARY**

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

February 15, 2008

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

Chair Waters and members of the House Committee on Judiciary, 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.

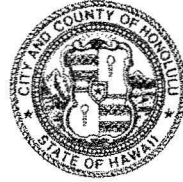
For this reason, we respectfully ask that you pass H.B. 2347 and thank you for this opportunity to testify.

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POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
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MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
MICHAEL D. TUCKER
DEPUTY CHIEFS

OUR REFERENCE **KK-MK**

February 15, 2008

The Honorable Tommy Waters, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Waters and Members:

Subject: House Bill No. 2347, H.D. 1, 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, H.D. 1, 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 action 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

Serving and Protecting With Aloha

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