



**TESTIMONY OF THE STATE ATTORNEY GENERAL  
TWENTY-FIFTH LEGISLATURE, 2009**

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ON THE FOLLOWING MEASURE:

H.B. NO. 1414, RELATING TO METAL.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Tuesday, February 24, 2009 TIME: 2:00 PM

LOCATION: State Capitol, Room 325

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

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Chair Karamatsu and Members of the Committee:

The Department of the Attorney General requests amendments to this bill.

The purpose of this bill is to remove the sunset provision of Act 53, Session Laws of Hawaii 2008, that established the misdemeanor offense of theft of beer keg and imposed recordkeeping requirements on scrap metal dealers that purchase beer kegs.

We request that section 2 of H.B. No. 1030 be incorporated into H.B. No 1414, as recommended by the Committee on Consumer Protection and Commerce in its Standing Committee Report No. 105 on H.B. No. 1414 (attached).

Section 2 of H.B. No. 1030 removes the sunset provision of Act 197, Session Laws of Hawaii 2007, and thereby continues the requirements for the purchase of copper by scrap dealers, along with the other provisions of Act 197, intended to address the problem of copper thefts, including the theft of copper offense. This provision of H.B. No. 1030 is critical to efforts being made to address the problem of copper theft.

Copper thefts have had a great impact on the residents of Hawaii. Copper thieves have dismantled street lights, caused power outages, and caused the closure of parks and other facilities. One attempted theft resulted in the death of an individual.

Act 197 took a two-pronged approach to the problem by:

- (1) establishing theft of copper as a felony offense; and
- (2) imposing additional requirements on scrap dealers and those that sell copper to scrap dealers to deter the sale of stolen copper. A two-year sunset date, of July 1, 2009, was placed on the Act 197 amendments to allow for an assessment of the Act's effectiveness. During the short period of time that the amendments have been in place, they have had a positive impact and have greatly facilitated the investigation and prosecution of copper theft offenses. Maintaining the provisions of Act 197 will help authorities address the problem of copper theft and the numerous and costly problems that such thefts cause to our communities and the public.

We respectfully request that section 2 of H.B. No. 1030 be incorporated into H.B. No. 1414.

STAND. COM. REP. NO. 105

Honolulu, Hawaii

Feb 10, 2009

RE: H.B. No. 1414

Honorable Calvin K.Y. Say  
Speaker, House of Representatives  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Sir:

Your Committee on Consumer Protection & Commerce, to which was referred H.B. No. 1414 entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

begs leave to report as follows:

The purpose of this bill is to deter scrap metal theft by making permanent the provisions of Act 53, Session Laws of Hawaii (SLH) 2008, which established a misdemeanor offense for thefts of metal beer kegs and imposed additional documentation requirements for scrap dealer purchases of beer kegs.

Anheuser Busch Companies testified in support of this bill.

Act 53, SLH 2008, was passed in response to reports of metal beer kegs being stolen at escalating rates, largely because they could be redeemed for fast cash at scrap dealerships. By making the provisions of this law permanent, this measure will maintain ongoing efforts to deter another rising form of scrap metal theft.

Your Committee notes that H.B. No. 1030, 2009, is a similar bill that would make permanent the provisions of Act 197, SLH 2007, establishing theft of copper as a felony offense and imposing the aforementioned documentation requirements for scrap dealer purchases of copper. Given the shared goal of these two bills and the fact that they both affect expiring scrap dealer documentation requirements under 445-233, Hawaii Revised Statutes, your Committee respectfully requests the Committee on Judiciary to

HB1414 HSCR CPC HMS 2009-1807



consider incorporating the provisions of H.B. No. 1030, 2009, into this measure.

As affirmed by the record of votes of the members of your Committee on Consumer Protection & Commerce that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1414 and recommends that it pass Second Reading and be referred to the Committee on Judiciary.

Respectfully submitted on  
behalf of the members of the  
Committee on Consumer  
Protection & Commerce,



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ROBERT N. HERKES, Chair





DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE  
PROSECUTING ATTORNEY

Douglas S. Chin  
FIRST DEPUTY PROSECUTING ATTORNEY



**THE HONORABLE JON RIKI KARAMATSU, CHAIR**  
**HOUSE COMMITTEE ON JUDICIARY**  
**Twenty-fifth State Legislature**  
**Regular Session of 2009**  
**State of Hawai`i**

February 24, 2009

**RE: H.B. 1414; RELATING TO METAL.**

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney submits the following comments on House Bill 1414.

The purpose of this bill is to eliminate the sunset provision of Act 53 of 2008 which created a new criminal theft of a beer keg and required scrap dealers to keep documentation of purchases of beer kegs and verify the identity of the seller of the beer keg.

We take no position on the current provisions of H.B. 1414 but respectfully request that the contents of H.B. 1030 be added to this bill. H.B. 1030 removed the July 1, 2009 sunset from Act 197 of 2007 and made the provisions of Act 197 of 2007 and its subsequent amendments permanent.

In 2007, the legislature passed Act 197 which created a class C offense for the theft of a pound or more of copper. In addition, Act 197 also established: 1) requirements for documenting the purchase of copper by scrap dealers; and 2) enhanced penalties for violations of the licensing and documentation requirements for scrap dealers. This law has proven extremely effective in aiding law enforcement in investigating and prosecuting copper theft cases.

Most recently, members of a major copper theft ring were indicted for copper theft. The ring is alleged to have stolen 72,000 pounds of copper wiring from the H-1 and H-2 freeways;

the thefts caused millions of dollars in damages and posed safety concerns for motorists as parts of the freeways were left in the dark for months. We've also used the copper theft law in other instances including a case in which copper wiring was stolen several times from West Loch Golf Course by the same defendant.

We believe that in the short period of time Act 197 has been in effect, that it has been tremendously useful in combating and deterring copper theft. For this reason, we respectfully ask that the contents of H.B. 1030 be added to this bill.

Thank you for this opportunity to testify.

# **Testimony before the House Committee on Judiciary**

**By Jim Beavers  
Manager, Safety, Security and Facilities  
Hawaiian Electric Company, Inc.**

**February 24, 2009  
2:05 p.m.  
House Bill 1414  
Relating to Metal**

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

My name is Jim Beavers and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We note that the Committee on Consumer Protection and Commerce's committee report for HB 1414 requests the Committee on Judiciary to consider incorporating the contents of HB 1030 into this measure. Our comments are directed towards the committee's consideration of such an amendment. We strongly **support** the incorporation of HB 1030 into HB 1414. The contents of HB 1030 remove the sunset clause in Act 197 on those provisions enacted to deter the sale of stolen copper. Since the passage of these provisions, which made the theft of copper a new criminal offense and which placed stringent requirements on scrap dealers and sellers of copper, Hawaiian Electric Company has seen a reduction in the amount of copper theft incidents. The result has been reduced inconvenienced to our customers and a reduction of the risk of injury and/or death to those that attempt to steal copper from our facilities since they are energized at very high voltages. We have experienced incidents in the past where thieves have been seriously injured while attempting to steal copper from our facilities.

For all the reasons stated above, we strongly support an amended version of HB 1414 which would incorporate the contents of HB 1030.





# THE LEGISLATIVE CENTER

820 MILILANI STREET, SUITE 810  
HONOLULU, HAWAII 96813-2938  
PHONE: (808) 537-4308 • FAX: (808)533-2739

February 24, 2009

Testimony To: House Committee on Judiciary  
Representative Jon Riki Karamatsu, Chair

Presented By: Tim Lyons, Legislative Liaison  
Anheuser Busch Companies

Subject: H.B. 1414 – RELATING TO METAL

Chair Karamatsu and Members of the Committee:

I am Tim Lyons, Legislative Liaison for Anheuser Busch Companies and we support this bill.

This bill merely renews the law as it is today which is scheduled to expire. The expiration date was originally keyed around the sunset clause in Act 197-07 however, because a separate section was created for the law, the sunset clause is not really needed.

Based on the above, we support this bill and hope that you can keep the crime of stealing a beer keg on the books.

Thank you.