



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

ON THE FOLLOWING MEASURE:

S.B. NO. 848, RELATING TO METAL.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS

DATE: Friday, February 6, 2009 **TIME:** 9:00 AM

LOCATION: State Capitol, Room 016

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

Chair Taniguchi and Members of the Committee:

The Attorney General strongly supports this bill.

The purpose of this bill is to remove the sunset provision of Act 197, Session Laws of Hawaii 2007, and continue the requirements for the purchase of copper by scrap dealers, along with the other provisions of the act, intended to address the problem of copper thefts, including the theft of copper offense.

This bill also addresses the repeal and reenactment provision of section 6 of Act 53, Session Laws of Hawaii 2008, to preserve the Act 197 amendments. Act 53 made amendments to sections 445-231 and 445-233 of the Hawaii Revises Statutes and provided for the repeal and reenactment of those sections on July 1, 2009, in the form in which those sections read on the day before the effective date of Act 197.

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 passage of this measure.

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 BRIAN TANIGUCHI, CHAIR
SENATE COMMITTEE ON JUDICIARY AND GOVERNMENT OPERATIONS
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai`i

February 6, 2009

RE: S.B. 848; RELATING TO METAL.

Chair Taniguchi and members of the Senate Committee on Judiciary and Government Operations, the Department of the Prosecuting Attorney submits the following testimony in support of Senate Bill 848.

The purpose of this bill is to remove the July 1, 2009 sunset from Act 197 of 2007 and make 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.

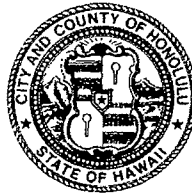
Most recently, members of a major copper theft ring were indicted for copper theft. The ring is alleged to have stolen 72,000 pounds of copper wiring from the H-1 and H-2 freeways; the thefts caused millions of dollars in damages and posed safety concerns for motorists as parts of the freeways were left 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 this law has been in effect, that it has been tremendously useful in combating and deterring copper theft. For this reason, we respectfully request your favorable consideration of this bill and thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 · INTERNET: www.honolulu-pd.org

MUFI HANNEMANN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL D. PUTZULU
KARL A. GODSEY
DEPUTY CHIEFS

OUR REFERENCE KK-MK

February 6, 2009

The Honorable Brian T. Taniguchi, Chair
and Members
Committee on Judiciary and
Government Operations
The Senate
State Capitol
Honolulu, Hawaii 96813

Dear Chair Taniguchi and Members:

Subject: Senate Bill No. 848, Relating to Metal

I am Major Kurt Kendro of District 5 of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 848, Relating to Metal.

The requirements of Act 197 have contributed to the decrease in copper thefts on the island of Oahu. In 2006, there were 426 cases reported to the Honolulu Police Department with a value of \$935,773. In 2007, there were 266 cases reported with a value of \$959,862. In 2008, there were only 84 cases reported with a value of \$297,432.

The copper theft problem that has plagued the islands has decreased because of public awareness, legislation, and enforcement efforts. I strongly recommend passage of Senate Bill No. 848. Thank you for allowing me to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Kurt Kendro".

KURT KENDRO, Major
District 5

APPROVED:

for: A handwritten signature in black ink, appearing to read "Boisse P. Correa".
BOISSE P. CORREA
Chief of Police

Testimony before the Senate Committee on Judiciary and Government Operations

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

February 6, 2009
9:00 a.m.
Senate Bill 848
Relating to Metal

Chair Taniguchi, Vice Chair Takamine, 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 strongly **support** SB 848, which removes 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 this bill.