

---

---

A BILL FOR AN ACT

RELATING TO METAL.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. The purpose of this Act is to continue the  
2 requirements for the purchase of copper by scrap dealers, along  
3 with the other provisions of Act 197, Session Laws of Hawaii  
4 2007, intended to address the problem of copper thefts,  
5 including the theft of copper offense. A two-year sunset date,  
6 of July 1, 2009, was placed on the Act 197 amendments to allow  
7 for an assessment of the Act's effectiveness. The legislature  
8 finds that during the short period of time that the amendments  
9 have been in effect, they have had a positive impact and have  
10 greatly facilitated the investigation and prosecution of copper  
11 theft offenses.

12           SECTION 2. Act 197, Session Laws of Hawaii 2007, as  
13 amended by section 20 of Act 16, Session Laws of Hawaii 2008, is  
14 amended by amending section 7 to read as follows:

15           "SECTION 7. This Act shall take effect on July 1, 2007[~~7~~  
16 ~~and shall be repealed on July 1, 2009; provided that sections~~  
17 ~~445-231, 445-233 and 445-235, Hawaii Revised Statutes, shall be~~  
18 ~~reenacted in the form in which they read on the day before the~~

H.B. NO. 1030

1 ~~effective date of this Act.];~~ provided that the amendments made  
2 to sections 445-231 and 445-233, Hawaii Revised Statutes, by  
3 sections 1 and 3 of this Act shall not be repealed when those  
4 sections are reenacted on July 1, 2009, pursuant to section 6 of  
5 Act 53, Session Laws of Hawaii 2008."

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect on June 30, 2009.

9  
10  
11

INTRODUCED BY: Calvin K. King  
BY REQUEST

JAN 26 2009

**Report Title:**

Scrap Dealer; Copper; Theft

**Description:**

Removes sunset clause in Act 197, Session Laws of Hawaii 2007, which contains a repeal date of July 1, 2009.

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO METAL.

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

MEANS: Amend section 7 of Act 197, Session Laws of Hawaii 2007, as amended by Act 16, Session Laws of Hawaii 2008, and address the repeal and reenactment provision of section 6 of Act 53, Session Laws of Hawaii 2008.

JUSTIFICATION: The purpose of Act 197 was to address the problem of copper thefts that 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.

Act 53, Session Laws of Hawaii 2008, made amendments to sections 445-231 and 445-233 of the Hawaii Revised 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. The repeal and reenactment provision of Act 53 must be addressed to preserve the amendments made to those two sections by Act 197.

Impact on the public: Maintaining the provisions of Act 197 will help authorities address the problem of copper theft and the numerous problems that such thefts cause to our communities and the public.

Impact on the department and other agencies: Maintaining the provisions of Act 197 will help law enforcement agencies investigate and prosecute copper theft offenses. And if there are fewer copper thefts, departments may not need to expend as much resources to address the power outages and lighting issues created by those thefts.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM DESIGNATION: None.

OTHER AFFECTED AGENCIES: County police; county prosecutors; Department of Public Safety; Department of Transportation.

EFFECTIVE DATE: June 30, 2009.