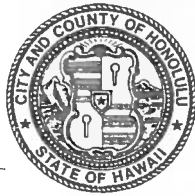


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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OUR REFERENCE **LH-NTK**

January 29, 2013

The Honorable Karl Rhoads, Chair
and Members
Committee on Judiciary
State House of Representatives
Hawaii State Capitol
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

Subject: House Bill No. 38, Relating to Unlawful Chop Shop Activity

I am Lester Hite, Captain of the Criminal Investigation Division of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports House Bill No. 38, Relating to Unlawful Chop Shop Activity.

Currently, there is no statute that covers the criminal misconduct of chop shop activity. The need for such a statute has been established through numerous auto theft investigations that have led to the discovery of chop shop activity as part of the criminal misconduct. Approximately 39 percent of the stolen vehicles remain unrecovered from 2009 through 2012.

Presently, investigations that lead to the discovery of chop shop activity are classified as individual acts related to the respective criminal misconduct. The common criminal offenses are Unauthorized Control of Propelled Vehicle (UCPV), Theft (severity defined by the value of the stolen items), and Defacing Serial Numbers etc., of Motor Vehicles. The penalties of these offenses range from a class B felony to a misdemeanor. The Chop Shop bill seeks to add the increased consequence of operating a criminal enterprise that profits from the theft of motor vehicles and/or the theft of motor vehicle parts.

The Honorable Karl Rhoads, Chair
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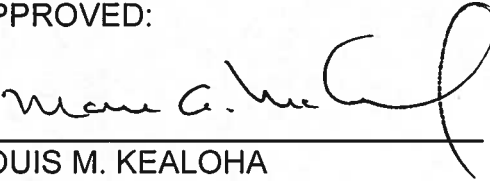
The Honolulu Police Department urges you to support House Bill No. 38,
Relating to Unlawful Chop Shop Activity.

Thank you for the opportunity to testify.

Sincerely,

Lester Hite
LESTER HITE, Captain
Criminal Investigation Division

APPROVED:



LOUIS M. KEALOHA
Chief of Police



**Office of the Public Defender
State of Hawaii
Timothy Ho, Chief Deputy Public Defender**



**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

January 29, 2013 2:00 p.m.

H.B. No. 38: RELATING TO UNLAWFUL CHOP SHOP ACTIVITY

Chair Rhoads and Members of the Committee:

This measure would create the offense of Unlawful Chop Shop Activity in the First and Second Degree. The Office of the Public Defender opposes H.B. 38.

This measure, while well intended, would create additional elements for the state to prove at trial, and therefore make it harder to prosecute people involved in illegal chop shop activity. Currently, an individual arrested for running a chop shop would be prosecuted for receiving stolen property under our theft statutes. If the value of the stolen property exceeded \$20,000.00, the individual would be guilty of theft in the first degree, a class B felony. Under the proposed measure, the value of the motor vehicles and/or parts must exceed \$100,000.00. The additional requirement of proving the existence of a "chop shop," which is a building, lot or other premises used to store, destroy, dismantle, disassemble or reassemble a motor vehicle would be unnecessary.

The focus here should be on eliminating the market for stolen motor vehicles and parts. Perhaps an amendment to our theft statutes that calls for enhanced sentencing for people involved in chop shop activities would be more effective. We believe that the class A and B felony classification proposed in this measure is excessive, and should be set at class B for first degree and class C for second degree chop shop activity.

Thank you for the opportunity to provide input on this measure.