

STAND. COM. REP. NO. 2041

Honolulu, Hawaii

FEB 03 2014

RE: S.B. No. 2076

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2076 entitled:

"A BILL FOR AN ACT RELATING TO UNLICENSED CONTRACTOR FRAUD,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that the intent to deprive another of property, under the offense of unlicensed contractor fraud, may be formed before or after a person obtains or exerts control over the property of another.

Your Committee received testimony in support of this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, City and County of Honolulu Department of the Prosecuting Attorney, and Contractors License Board.

Your Committee finds that under existing law, the offense of unlicensed contractor fraud requires a person's intent to deprive to exist while engaged in unlicensed contractor activities. However, the law is unclear whether that intent must also exist before that person obtains control over a victim's property.

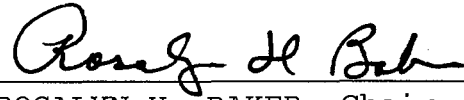
Your Committee further finds that this measure removes this ambiguity by clarifying that the intent to deprive may be formed before or after a person obtains control over the victim's property, provided that the person is engaged in unlicensed contractor activities at that time. Your Committee additionally finds that this measure will assist law enforcement efforts to prosecute the offense of unlicensed contractor fraud.

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As affirmed by the record of votes of the members of your Committee on Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2076 and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

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




ROSALYN H. BAKER, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Commerce and Consumer Protection
CPN

Bill / Resolution No.:* SB 2076	Committee Referral: CPN, JDL	Date: 1/29/14		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
BAKER, Rosalyn H. (C)	✓			
TANIGUCHI, Brian T. (VC)	✓			
NISHIHARA, Clarence K.				✓
WAKAI, Glenn	✓			
SLOM, Sam	✓			
TOTAL	4	0	0	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Only one measure per Record of Votes