

HB2205

HD1

LATE

TESTIMONY

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

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THE HONORABLE CLAYTON HEE, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawai`i

March 18, 2014

RE: H.B. 2205, H.D. 1; RELATING TO CRIME.

Chair Hee, Vice Chair Shimabukuro and members of the Senate Committee on Judiciary and Labor, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of H.B. 2205, H.D. 1 and offer a proposed S.D.1.

Currently, under section 708-803 of the Hawaii Revised Statutes, a “habitual property crime perpetrator” is a person who within 5 years of the instant offense, has convictions for:

- (a) 3 felonies within this chapter (Chapter 708 of the Hawaii Revised Statutes – Offenses Against Property Rights);
- (b) 3 misdemeanors within this chapter;
- (c) Any combination of 3 felonies and misdemeanors within this chapter.

The offense of Habitual Property Crime is a class C felony. For a conviction under this section, the sentence shall be either: (a) An indeterminate term of imprisonment of five years; or (b) A term of probation of five years, with conditions to include but not be limited to one year of imprisonment.

We kindly offer a proposed S.D.1 that amends the “habitual property crime” law pursuant to section 708-803, Hawaii Revised Statutes, by creating a mandatory minimum term of imprisonment of three years for a person who is a habitual property crime perpetrator and commits a misdemeanor offense within this chapter. The proposed draft deletes the sentencing option of an indeterminate term of imprisonment of five years; or a term of probation of five years, with conditions to include but not be limited to one year of imprisonment.

Further, the S.D. 1 amends the “sentencing of repeat offenders” law pursuant to section 706-606.5, Hawai'i Revised Statutes, subsection (4), by deleting the following misdemeanor offenses: section 708-822 relating to criminal property damage in the third degree; section 708-832 relating to theft in the third degree; and section 708-833.5(2) relating to misdemeanor shoplifting to avoid a conflict with the amended sentencing language in the proposed S.D. 1 for “habitual property crime” pursuant to section 708-803, Hawaii Revised Statutes.

As many of you may have experienced with concerns raised by your constituents, property crimes has consistently remained a problem in Hawaii. In 2004, the Hawaii State Legislature made property crimes a priority when it created this Habitual Property Crimes law by passing S.B. 2844 that was signed by Governor Linda Lingle as Act 49. In passing the bill, the Senate Judiciary and Hawaiian Affairs Committee stated in Standing Committee Report No. 2616: “Your Committee finds that in 2002, Hawaii ranked first in the nation for property crime rates and second in larceny theft rates. A large portion of these crimes are committed by habitual offenders. Your Committee finds that by increasing the sanctions for habitual property offenders, this measure provides a deterrent to recidivism.”

According to the Crime Prevention & Justice Assistance Division that is under the Department of the Attorney General of the State of Hawaii, their Crime in Hawaii 2011 Annual Report mentioned that rates of offenses had decreased for all of the property Index Crimes in the State of Hawaii during 2011. In comparing 2011 to 2002, property crime rate (burglary, larceny-theft, and motor vehicle theft) decreased by 44.8%, burglary rate decreased by 41.9%, larceny-theft rate decreased by 42.7%, and motor vehicle theft decreased by 59.2%.

However, although property crimes have gone down in Hawaii, according to the Federal Bureau of Investigation's (F.B.I.) 2012 uniform crime reports, Hawaii was ranked 31 out of 52 jurisdictions that included the fifty states, Washington D.C., and Puerto Rico when it came to the amount of property crimes at a rate per 100,000 inhabitants. Thus, we still have a lot work to do in order to improve Hawaii's ranking.

To continue to decrease our property crimes in our State, we strongly believe that the 3-year mandatory minimum imprisonment in our proposed S.D. 1 for H.B. 2205, H.D. 1 will strengthen the Habitual Property Crime law and deter even more people from committing property crimes.

For these reasons, the Department of the Prosecuting Attorney of the City and County of Honolulu supports H.B. 2205, H.D. 1 with our proposed S.D. 1. Thank you for the opportunity to testify on this matter.

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: waa@hawaii.rr.com
Subject: Submitted testimony for HB2205 on Mar 19, 2014 10:00AM
Date: Tuesday, March 18, 2014 8:31:48 PM

HB2205

Submitted on: 3/18/2014

Testimony for JDL on Mar 19, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Annette Lee	Waimanalo Agricultural Association	Support	No

Comments: I represent the Waimanalo Agricultural Association and I am asking you to please support this bill. Kailua is not the only area that suffers from theft problems being committed by the same repeat offenders. We have had a lot of agricultural thefts and our members have just about given up on the justice system. A strong message must be sent to discourage criminals who keep up their illegal activities. CATCH AND RELEASE ONLY WORKS WITH FISH!

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: jwland99@gmail.com
Subject: Submitted testimony for HB2205 on Mar 19, 2014 10:00AM
Date: Tuesday, March 18, 2014 1:45:33 PM

HB2205

Submitted on: 3/18/2014

Testimony for JDL on Mar 19, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
James Landers	Individual	Support	No

Comments: As a long-time resident and property owner of a home in Country Club Knolls in Kailua, I am dismayed by the increasing frequency of property crimes and the audacity of the perpetrators. Clearly, a proactive approach is required to prevent offenders from becoming repeat offenders and to deter those who would otherwise believe that the crime is worth the current lack of time. I fully support the passage of this measure.

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From: jltokars@aol.com
To: [JDLTestimony](#)
Subject: Bill SB2205 HD1
Date: Tuesday, March 18, 2014 8:14:44 PM

I support SB2205 HD1
Sent from my iPadi

From: [Vernon T Sato](#)
To: [JDLTestimony](#)
Subject: Hb2205 HD1
Date: Tuesday, March 18, 2014 8:51:23 PM

Please accept the amendment of minimum sentences without the possibility of parole. Neighborhood crime has been increasing. Disincentives have to be created to discourage this growing problem.

Sent from my iPhone

From: [Tom Mendes](#)
To: [JDLTestimony](#)
Subject: I support SB2205 HD1
Date: Tuesday, March 18, 2014 8:54:19 PM

I support SB2205 HD1

From: mailinglist@capitol.hawaii.gov
To: [JDLTestimony](#)
Cc: paulakomarajr@yahoo.com
Subject: *Submitted testimony for HB2205 on Mar 19, 2014 10:00AM*
Date: Tuesday, March 18, 2014 9:42:30 PM

HB2205

Submitted on: 3/18/2014

Testimony for JDL on Mar 19, 2014 10:00AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Paul A. komara, Jr.	Individual	Support	No

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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From: [Cynthia Rubinstein](#)
To: [JDLTestimony](#); It@laurathielen.com [Thielen](#)
Cc: [Rep. Chris Lee](#); [Rep. Cynthia Thielen](#)
Subject: HB 2205
Date: Tuesday, March 18, 2014 9:59:55 PM

Hello Lawmakers,

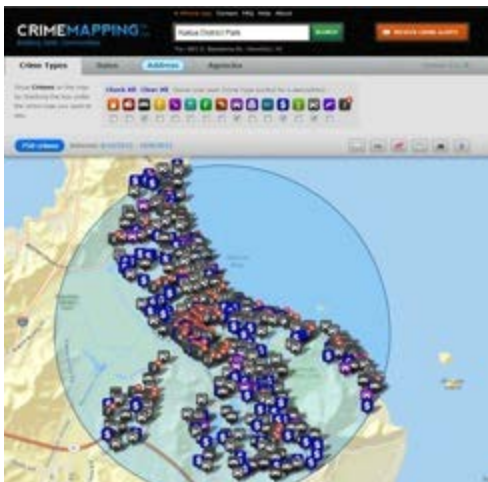
This is a crucial bill as the crime in our beach town of Kailua has escalated with recent assaults and two stabbing deaths.

The current judicial pattern of releasing repeat offenders caught by the efforts of HPD, even when they have numerous priors, must stop. Like a child who acts out, **THERE MUST BE CONSEQUENCES** or the lesson is lost.

The attached map spells out the crime spree just between April and October of 2013, As per the HPD statistics website link, between October 06, 2013 and April 10, 2013 there were 758 property crimes within a 2 mile radius centered on Kailua District Park. Please pass this bill and help us return peace and security to our neighborhoods.

Ever so Respectfully,

Cynthia Rubinstein
cynthia@lava.net



From: [Mjheede](#)
To: [JDLTestimony](#)
Subject: Bill Support
Date: Tuesday, March 18, 2014 10:02:42 PM

Based on reported prior offense statistics, many criminals are individual crime waves. Mandatory imprisonment will eliminate many future crimes. An alternate would be to pass the law with a time provision. If and when the crime rate falls the law would be made permanent. Additional prison space could be made available in a barracks style facility at the abandoned military base at Barbers Point for property crime criminals. More space could be made available by decriminalizing marijuana use and possession.

Sent from AOL Mobile Mail

From: [Dave Thompson](#)
To: [JDLTestimony](#)
Subject: *****SPAM***** SB2205
Date: Tuesday, March 18, 2014 10:42:31 PM

I am a resident of Waimanalo. We have the same theft problems as Kailua. Same repeat offenders.
I support SB2205. Please pass it.
David Thompson
Waimanalo

Sent from my iPad

From: [Lisa Marten](#)
To: [JDLTestimony](#)
Cc: [Sen. Laura Thielen](#); [Sen. Jill Tokuda](#)
Subject: Support for SB2205 HD1
Date: Wednesday, March 19, 2014 7:24:11 AM

Aloha.

I am very concerned about the current situation in which habitual thieves are not deterred by our criminal justice system, nor are they prevented from stealing again. Please support SB2205 HD1 to change this situation.

Thank you, Lisa Marten

From: [jennifer_burkle](#)
To: [JDLTestimony](#)
Subject: I support SB2205 HD1
Date: Wednesday, March 19, 2014 7:53:12 AM

I support SB2205 HD1

Jennifer Burkle
452 Iana Street
Kailua, Hawaii 96734

From: [Hollis Wadsworth](#)
To: [JDL Testimony](#)
Subject: I support SB 2205 HD1
Date: Wednesday, March 19, 2014 7:55:04 AM

Approximately \$47,000.00 worth of personal items stolen from my Kailua residence on June 7, 2013. Pawn drop ticket had my criminal neighbor's name on it! Police could not prove he was in my house, but he had my stuff!! This man has caused a lot of trouble for his family, his neighbors, his community.....

I want my stuff back and him locked up for good!!

Hollis Wadsworth
Kailua, HI 96734

Sent from my iPad

From: [Frederick Burkle](#)
To: [JDLTestimony](#)
Subject: I support SB2205 HD1
Date: Wednesday, March 19, 2014 7:55:34 AM

I support SB2205 HD1

Frederick M. Burkle
452 Iana Street
Kailua, HI
96734

From: [Frederick Burkle](#)
To: [JDLTestimony](#)
Subject: I support SB2205 HD1
Date: Wednesday, March 19, 2014 7:55:41 AM

I support SB2205 HD1

Phyllis D. Burkle
452 Iana Street
Kailua, HI
96734

From: [Esther Ohta](#)
To: [JDLTestimony](#)
Cc: [Sen. Laura Thielen](#); sentokuda@capitalhawaii.gov; senslom@capitalhawaii.gov
Subject: SB2205 HD1
Date: Wednesday, March 19, 2014 8:07:14 AM

I SUPPORT BILL SB2205 HD 1. Repeat offenders should get a strong message that prying on law abiding citizens is WRONG.

Agricultural thefts have been going on for years and as a farm owner it is disheartening to see my annual crop of lychee stolen. It is as good as someone stealing your money from your pocket.

Your support on this bill is much needed.

Esther Ohta
Waimanalo