

Honolulu, Hawaii

APR 08 2016

RE: H.B. No. 1578  
H.D. 2  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Eighth State Legislature  
Regular Session of 2016  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
H.B. No. 1578, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO THEFT,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish the theft of an urn as a class C felony; and
- (2) Require scrap dealers to follow the same requirements regarding a written statement for the purchase of an urn as they do for the purchase of copper or a beer keg.

Your Committee received testimony in support of this measure from two individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that this measure will help to prevent persons from stealing urns from cemeteries, especially for the metal redemption value of the urns. Your Committee believes that the theft of an urn should also be considered a form of desecration as urns are used to hold human ashes, which is a criminal offense with sentence of imprisonment of no more than one year, a fine of not more than \$10,000, or both under section 711-1107, Hawaii Revised Statutes (HRS).

Your Committee has amended this measure by:



- (1) Amending the offense of theft of urn to:
  - (A) Clarify that a violation of the offense includes obtaining an urn through any means described under the offense of theft under section 708-830, HRS, intentionally desecrating a columbarium or an urn under section 711-1107, HRS, or violating the statement requirements of scrap dealers under section 445-233, HRS, in regard to an urn; and
  - (B) Specify that the penalty imposed for the intentional desecration of an urn shall be pursuant to section 711-1107(3), HRS;
- (2) Amending the offense of desecration to include the intentional desecration of a columbarium or an urn;
- (3) Changing the effective date to July 1, 2016; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1578, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1578, H.D. 2, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary and  
Labor,

  
GILBERT S.C. KEITH-AGARAN, Chair



The Senate  
 Twenty-Eighth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>HB1578 HD2</b>	Committee Referral: <b>JDL</b>	Date: <b>4/6/16</b>		
<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 type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	/			
SHIMABUKURO, Maile S.L. (VC)	/			
GABBARD, Mike	/			
KAHELE, Kaiali'i				/
KIM, Donna Mercado	/			
THIELEN, Laura H.				/
SLOM, Sam				/
<b>TOTAL</b>	<b>4</b>			<b>3</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
<b>Distribution:</b> Original    Yellow    Pink    Goldenrod File with Committee Report    Clerk's Office    Drafting Agency    Committee File Copy				

\*Only one measure per Record of Votes