



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
TWENTY-EIGHTH LEGISLATURE, 2015**

LATE TESTIMONY

ON THE FOLLOWING MEASURE:

H.B. NO. 1326, RELATING TO THE PENAL CODE.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY AND LABOR

DATE: Monday, March 16, 2015 **TIME:** 9:30 a.m.

LOCATION: State Capitol, Room 016

TESTIFIER(S): Douglas S. Chin, Attorney General, or
Lance M. Goto, Deputy Attorney General

Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General opposes this measure.

The purpose of this bill is to increase the threshold value of property and services for the offense of theft in the second degree from \$300 to \$750, and to increase that amount annually thereafter by two percent of the previous year's value.

In 2005, the Committee to Conduct a Comprehensive Review of the Hawaii Penal Code fully considered and rejected a proposal to increase the threshold value for theft. The Committee included representatives of the Judiciary, the Attorney General, the police, the prosecutors, the public defenders, the private defense bar, and the paroling authority. The Review Committee also solicited input from all of the county police and prosecutor agencies, the state and county bar associations, and the Electronic Commerce Crimes Task Force.

The value for theft in the second degree should not be increased. The current value of \$300 is an appropriate amount. To put it in perspective, the state minimum wage was \$6.25 per hour in 2003. The current minimum wage is \$7.75 per hour. Currently, a minimum wage worker would have to work at least forty to fifty hours, over a full week, to replace property worth \$300. The \$300 felony theft amount is still a very significant amount. To make \$750 (pretax), a minimum wage earner worker would have to work ninety-seven hours, or almost two and a half weeks. Increasing the theft threshold value from \$300 to \$750 would diminish the seriousness of many theft crimes and reduce the deterrent impact of the theft offenses. Under this bill, theft of property or services valued between \$100 and \$750 would only be a misdemeanor offense. As such, the many convicted misdemeanor offenders, who are felony

offenders under the current law, would not receive the level of appropriate treatment, counseling, and supervision that they would otherwise receive from felony probation services. This bill would reduce the deterrent effect against crime, while at the same time reducing the level of services to offenders, and thereby likely increase the rate of recidivism and the number of victims.

The proposed annual two percent increase to the threshold theft amount is also of concern. There is no reasonable justification for this proposed annual change. The threshold amount is critical to the definition of the crime. The law lets people know what is prohibited conduct. If the threshold theft amount is constantly changing at a two percent annual rate, it could create enforcement and prosecution issues. The theft amount will increase from \$750, to \$765, to \$780, to \$796, and it will continue to be adjusted to these odd amounts that will not be written in the law.

The Department respectfully requests that this measure be held.

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Subject: Submitted testimony for HB1326 on Mar 16, 2015 09:30AM
Date: Sunday, March 15, 2015 7:34:56 PM

HB1326

Submitted on: 3/15/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Cynthia Rubinstein	Individual	Oppose	No

Comments: Pleae DO NOT PASS THIS BILL. IT WILL ONLY PERPETUATE CRIME!!!!

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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Subject: Submitted testimony for HB1326 on Mar 16, 2015 09:30AM
Date: Sunday, March 15, 2015 7:48:42 PM

HB1326

Submitted on: 3/15/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
William Hayes	Individual	Oppose	No

Comments: Thank you for the opportunity to submit testimony in strong opposition of HB1326. Having experienced numerous thefts at both my home and business over the last few years I'm very concerned that HB1326 will only make things worse.

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Subject: Submitted testimony for HB1326 on Mar 16, 2015 09:30AM
Date: Sunday, March 15, 2015 9:45:12 PM

HB1326

Submitted on: 3/15/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Ken Stewart	Individual	Oppose	No

Comments: The overriding consideration of the crime of burglary is not the dollar amount of what is stolen, but rather the offensive and dangerous intrusion into another's home, within which a person and family should be absolutely secure. HB 1326 will only encourage more burglaries, at the expense of honest homeowners and shop owners. How about thinking of their safety for once, instead of the plight of the criminals.

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Date: Sunday, March 15, 2015 10:55:52 PM

HB1326

Submitted on: 3/15/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
L. Ragan	Individual	Oppose	No

Comments: As a concerned citizen in a community suffering tremendously from property crime, I STRONGLY OPPOSE HB1326. The current threshold must be kept. You all have a duty to serve your constituents and this does not serve us well. Please VOTE NO on HB1326

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Subject: *Submitted testimony for HB1326 on Mar 16, 2015 09:30AM*
Date: Sunday, March 15, 2015 11:35:36 PM

HB1326

Submitted on: 3/15/2015

Testimony for JDL on Mar 16, 2015 09:30AM in Conference Room 016

Submitted By	Organization	Testifier Position	Present at Hearing
Wayne Shimokawa	Individual	Oppose	No

Comments:

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