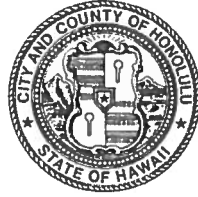


POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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KIRK CALDWELL
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DEPUTY CHIEFS

GB-KK

OUR REFERENCE

January 30, 2020

The Honorable Roy M. Takumi, Chair
and Members
Committee on Consumer Protection
and Commerce
House of Representatives
Hawaii State Capitol
415 South Beretania Street, Room 329
Honolulu, Hawaii 96813

Dear Chair Takumi and Members:

SUBJECT: House Bill No. 1674, Relating to Secondhand Dealers

I am Gail Beckley, Captain of the Criminal Investigation Division of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD opposes House Bill No. 1674, Relating to Secondhand Dealers.

The amendment to Hawaii Revised Statutes (HRS), Section 486M-1, Definitions, "Verifies a seller's identity by remote examination of a government-issued identification by a live representative during each transaction," creates many situations where fraud, identification theft, and unauthorized possession of confidential personal information can be introduced. Adobe Photoshop allows a criminal to impose their picture on someone else's driver's license or state identification card. Fake or novelty State of Hawaii driver's licenses and State of Hawaii identification cards are available online.

Under House Bill No. 1674, the amendment to HRS Section 486M-4, Minimum retention of items, exempts automated recycling kiosks from any retention. The HPD strongly opposes any exemption to the current retention statutes. The retention days are necessary for police investigations. Based on the exemption, any item received by the recycling kiosk allows the items to be removed from Hawaii immediately. Exempting any retention statute would nullify any HPD investigation due to the items being taken out-of-state.

The Honorable Roy M. Takumi, Chair
and Members
January 30, 2020
Page 2

Recycling kiosks are not limited to cellular telephones. There are recycling kiosks available for any type of electronics, semi-precious and precious metals, and semi-precious and precious gems. By making Section 486M-4 not applicable to recycling kiosks, any stolen cellular telephone, stolen electronics, or stolen jewelry would be automatically sold or destroyed, and the suspect would immediately receive cash for the items. Effectively, this amendment would create a system to “electronically fence” stolen goods.

With respect to House Bill No. 1674, HRS Section 486M-5, Inspections, it would be impossible to conduct an inspection of the books, records, and items in a timely manner since the recycling kiosks would be exempt from retention statutes. Enforcing any citations or initiating cases for any violation would be impossible. There is no actual person to be cited, and a case would be initiated against a corporation.

This amendment directly contradicts:

HRS Section 445-171, Fee, conditions, “Every dealer shall keep a book in which shall be written a description of every article received, the name, residence, and a general description of the person from whom, and the time and hour when the article was received. The book, the place where the business is carried on, and the articles of property therein, may be examined at any time by the treasurer, the chief of police....”; and

HRS Section 486M-2, Record of transactions, Section 6, “A complete and accurate description of the article received, including all markings, names, initials, and inscriptions.”

The HPD urges you to oppose House Bill No. 1674, Relating to Secondhand Dealers.

Thank you for the opportunity to testify.

APPROVED:



Susan Ballard
Chief of Police

Sincerely,



Gail Beckley, Captain
Criminal Investigation Division



POLICE DEPARTMENT COUNTY OF MAUI



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TIVOLI S. FAAUMU
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DEAN M. RICKARD
DEPUTY CHIEF OF POLICE

OUR REFERENCE
YOUR REFERENCE

January 30, 2020

LATE

The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
and Members of the Committee on Consumer Protection and Commerce

House of Representatives
Hawaii State Capitol
Honolulu, Hawaii 96813

RE: House Bill No. 1674 – Relating To Secondhand Dealers

Dear Chair Takumi and Members of the Committee:

The Maui Police Department SUPPORTS the passage of H.B. No. 1674.

Law enforcement partnerships with automated recycling kiosk vendors are advantageous, provided adequate safeguard measures to deter criminal activity are in place. One such advantage similar to a pawn shop are where law enforcement investigators are able to reach out to a particular business which collects and stores articles for recycling such as discarded mobile devices. Such devices may store critical information, which could assist law enforcement to solve serious violent crimes such as robberies, homicides, and sexual assaults, in addition to missing person and kidnapping cases.

Due to concerns that criminals may take advantage of disposing critical evidence for quick cash or having an innocent, unaware individual doing the same for cash, an efficient tracking system must be tied in with law enforcement, to include maintaining the integrity of such devices critical for court proceedings.

Such necessary safeguards are vital to verifying the sellers' identity and personal information through a government issued form of identification, securely storing the articles within the kiosk or at a central location, clearly capturing the image of the seller with the article(s) being accepted, and reporting all transactions to law enforcement in a timely and efficient manner.

A minimum retention time of articles also must be set forth with the vendor. The kiosk vendor shall not alter, dispose of, or change the character of the articles, to include the

The Honorable Roy M. Takumi, Chair
The Honorable Linda Ichiyama, Vice Chair
and Members of the Committee on Consumer Protection and Commerce
January 30, 2020
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information stored within the devices. In addition, record keeping information and articles which law enforcement deem necessary in an investigation shall be turned over to law enforcement at no cost and in a timely manner.

Considering that these safeguard measures are in place, the Maui Police Department asks that you SUPPORT the passage of H.B. No. 1674.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "TIVOLI S. FAAUMU".

FER TIVOLI S. FAAUMU
Chief of Police