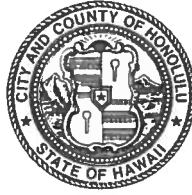


POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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KIRK CALDWELL  
MAYOR

SUSAN BALLARD  
CHIEF

JOHN D. MCCARTHY  
CLYDE K. HO  
DEPUTY CHIEFS

OUR REFERENCE JYH-SH

January 31, 2020

The Honorable Karl Rhoads, Chair  
and Members  
Committee on Judiciary  
State Senate  
415 South Beretania Street, Room 016  
Honolulu, Hawaii 96813

Dear Chair Rhoads and Members:

SUBJECT: Senate Bill No. 2156, Relating to Theft in the Second Degree

I am Captain Jarod Y. Hiramoto of District 6 (Waikiki) of the Honolulu Police Department (HPD), City and County of Honolulu.

The HPD supports the passage of Senate Bill No. 2156, Relating to Theft in the Second Degree. This bill amends Hawaii Revised Statutes Section 708-831(1) to include "(f) Property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet." Including these may deter potential offenders from engaging in the theft of these items, as it will be a felony. This will have a long-term deterrent effect, creating a safer environment for the community.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Jarod Y. Hiramoto".

Jarod Y. Hiramoto, Captain  
District 6

APPROVED:

A handwritten signature in black ink, appearing to read "Susan Ballard".

Susan Ballard  
Chief of Police

**LATE**

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

ALII PLACE  
1060 RICHARDS STREET • HONOLULU, HAWAII 96813  
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DWIGHT K. NADAMOTO  
ACTING PROSECUTING ATTORNEY



LYNN B.K. COSTALES  
ACTING FIRST DEPUTY  
PROSECUTING ATTORNEY

**THE HONORABLE KARL RHOADS, CHAIR**  
**SENATE COMMITTEE ON JUDICIARY**  
**Thirtieth State Legislature**  
**Regular Session of 2020**  
**State of Hawai`i**

January 31, 2020

**RE: S.B. 2156; RELATING TO THEFT IN THE SECOND DEGREE.**

Chair Rhoads, Vice Chair Keohokalole, and members of the Senate Committee on Judiciary, the Department of the Prosecuting Attorney of the City and County of Honolulu submits the following testimony in support of S.B. 2156.

The purpose of S.B. 2156 is to amend the offense of Theft in the Second Degree (§708-731, H.R.S.), to include the theft of property which is commonly used to store items of personal or monetary value which would include purses, handbags or wallets.

Currently, to charge and convict a defendant for the charge of Theft in the Second Degree, the Department must be able to prove beyond a reasonable doubt that the defendant intentionally took property of another and that the defendant was aware or believed that the value of the property exceeded \$750. This state of mind is very difficult or near impossible when dealing with the theft of someone's purse or wallet.

The Department would suggest adding in the language after "including" on page 5 line 2 to include, "but not limited to" will ensure that similar items that perform the same function but may not be interpreted specifically as a purse or wallet could be covered and protected.

For these reasons, the Department of the Prosecuting Attorney supports the passage of S.B. 2156. Thank you for this opportunity to testify.

**STATE OF HAWAI‘I**  
**OFFICE OF THE PUBLIC DEFENDER**

**LATE**

**Testimony of the Office of the Public Defender,  
State of Hawai‘i to the Senate Committee on Judiciary**

January 31, 2020

S.B. No. 2156: RELATING TO THEFT IN THE SECOND DEGREE

Chair Rhoads, Vice Chair Keohaokalole, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 2156, which would amend HRS Sect. 708-831 to add the following language to what constitutes Theft in the Second Degree:

- (f) Property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.

(Page 5, lines 1 to 3).

First we would note that in Section 1 of the bill, there is an incorrect reference to State v. Cabrera, 90 Hawai‘i 359, 978 P.2d 797 (1999), The reference states that the decision in the case dealt with “property or services valued in excess of \$750.00”. In 1999, the threshold amount for Theft in the Second Degree was \$300.00 and that is the amount referenced in the Cabrera decision.

The proponents of this legislation go on to assert that due to the high standard of proof required, i.e. proof beyond a reasonable doubt, “this offense is typically amended or dropped”. No statistics are included to support this assertion. We question amending Theft 2 as this bill proposes without solid evidence to support such an assertion.

The proponents go on to assert that the proposed amendment “may deter potential offenders from engaging in theft of these items”, to wit, purses, handbags, or wallets, or anything that is commonly used to store items of personal or monetary value. The idea that the existence of a particular criminal offense serves as a deterrent to criminal activity has long been rejected. Those who engage in criminal conduct do not stop to weigh the judicial consequences of their actions.

Our concern about this proposed legislation is that it will turn current misdemeanor offenses into felony offenses which appears to be the intent of the proponents. However, if the legislature is inclined to do this, it needs to consider that our correctional facilities will quickly become more overcrowded and the burden on our already limited social services will grow exponentially.

We want to stress that this bill will have no effect on the recent spate of purse-snatchings which already meet the definition of Theft 2 as theft from the person. It will not have an effect on stealing a credit card which is already a felony under HRS Section 708-8102 or on using a stolen credit card which is already a felony under HRS Section 708-8100 if the value obtained is over \$300 in

a 6 month period. It will not have an effect on the use of personal information which might be obtained in the theft of “personal items” as that is already covered under the offenses of Identity Theft in the First, Second, and Third Degree, which are class “A”, “B” and “C” felonies, respectively. Finally, the mere unauthorized possession of personal information is already covered under HRS Section 708-839.55 and is a felony.

This proposed legislation is overly broad in seeking to apply to “property commonly used to store items of personal or monetary value”. That would include any type of bag. Regarding “personal value”, that could include picture albums carried in purses, and a myriad of other items that are of “personal value” to the owner.

This bill is not necessary to address the scenarios described in Section 1 of the bill. As noted above, those scenarios are already covered in our Penal Code. What this bill will do is treat misdemeanants as felons, add to already overcrowded jail facilities and further clog our judicial system.

Thank you for the opportunity to comment on this measure.

**LATE**

**SB-2156**

Submitted on: 1/30/2020 10:26:38 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Michael Kitchens	Testifying for Stolen Stuff Hawaii	Support	No

Comments:

Dear Chair and Committee Members,

I support SB2156 which amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.

I am the founder and administrator of Stolen Stuff Hawaii (SSH) . SSH is Hawaii's largest anti-crime Facebook group with over 131,000 plus vetted Hawaii-based members and growing. Our mission is to use the power of social media to help those who have been victimized by crime by helping them to locate their stolen property, provide emotional support, as well as awareness.

I originally created this group in response to the theft of a vehicle from a family member in 2014. Established on July 27th, within a very short time, our group has proven to be extremely helpful in the recovery of stolen property as well as dealing with many other crimes while also helping in identifying the criminals responsible for it. We are pro-law enforcement and heavily moderated by our staff of volunteers.

Our reach and influence are substantial, with members located throughout the State of Hawaii in all counties and districts. The majority of our members reside on Oahu, meaning we have just under 10% of the population in our group.

Our community is a constant victim of crime such property as purses and wallets. They are crimes that have a substantial impact on victim's lives and introduce hardships that they must then deal with. Such as dealing with bank & credit card fraud, the loss of a driver's license or social security card, replacement of vehicle keys, the threat of foreign entry to one's home due to the theft of house keys...and the monetary damage that may result from a combination of all of these things.

Our law enforcement and judicial system needs every deterrent we can have to reduce the attacks against our innocent community...our elderly, our young, and our defenseless. Supporting this bill would add a significant deterrent for those that would wish to prey on our society.

Therefore, I strongly support SB2156 and request that you do so as well.

Mahalo,

Michael J Kitchens  
Stolen Stuff Hawaii

**SB-2156**

Submitted on: 1/29/2020 11:58:31 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
E. Ileina Funakoshi	Individual	Support	No

Comments:

The seniors are very fearful of having their purses snatched and wondering how they can protect it and themselves so this legislation may deter some of this type of criminal activity.

**LATE**

**SB-2156**

Submitted on: 1/30/2020 10:48:14 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Peter J Long III	Individual	Support	No

Comments:

I'm very happy to, for once or twice, support a proposal being submitted for consideration. The theft of handbags/purses has skyrocketed lately, and the criminals committing these thefts seem to have no fear of consequence. Let's punish those among us that have so little disregard for the property of others.



**LATE**

**SB-2156**

Submitted on: 1/30/2020 10:54:46 PM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Kevin Kacatin	Individual	Support	No

Comments:

Criminals continue to act because they have known for too long that once they are in the system, they essentially come and go as they please. Repeat offenders litter the news cycle as DEFENSELESS (as mandated by Hawaii laws) honest citizens fall victim to property theft, not to mention violent assaults.

Any opposition to this bill, or any opposition to increasing penalties for ALL crimes, should be viewed as people literally defending criminal behavior and a political culture in Hawaii that has favored the criminal element for too long.

**LATE**

**SB-2156**

Submitted on: 1/31/2020 1:57:32 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Paul Klink	Individual	Support	No

Comments:

I'm in support of this bill. I want to help facilitate the work of the prosecutor's office and this bill should help in that endeavor. Live Aloha, Paul Klink

**LATE**

**SB-2156**

Submitted on: 1/31/2020 7:48:03 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Jude Lampitelli	Individual	Support	No

Comments:

My testimony:

Dear Chair and Committee Members,

I support SB2156 which amends the offense of theft in the second degree to include theft of property commonly used to store items of personal or monetary value, including any purse, handbag, or wallet.

I am an active member of Stolen Stuff Hawaii (SSH). SSH is Hawaii's largest anti-crime Facebook group with over 131,000 plus vetted Hawaii-based members and growing. Our mission is to use the power of social media to help those who have been victimized by crime by helping them to locate their stolen property, provide emotional support, as well as awareness.

Our group has proven to be extremely helpful in the recovery of stolen property as well as dealing with many other crimes while also helping in identifying the criminals responsible for it. We are pro-law enforcement and heavily moderated by our staff of volunteers.

Our reach and influence are substantial, with members located throughout the State of Hawaii in all counties and districts. The majority of our members reside on Oahu, meaning we have just under 10% of the population in our group.

Our community is a constant victim of crime such property as purses and wallets. They are crimes that have a substantial impact on victim's lives and introduce hardships that they must then deal with.

Such as dealing with bank & credit card fraud, the loss of a driver's license or social security card, replacement of vehicle keys, the threat of foreign entry to one's home due to the theft of house keys...and the monetary damage that may result from a combination of all of these things.

Our law enforcement and judicial system needs every deterrent we can have to reduce the attacks against our innocent community...our elderly, our young, and our

defenseless. Supporting this bill would add a significant deterrent for those that would wish to prey on our society.

Therefore, I strongly support SB2156 and request that you do so as well.

Mahalo,

Jude Lampitelli

**LATE**

**SB-2156**

Submitted on: 1/31/2020 7:51:36 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Alice	Individual	Support	No

Comments:

Individuals that commit criminal acts should be punished to the full extent of the law... giving the offender a slap on the wrist may victimize the victim even more...

**LATE**

**SB-2156**

Submitted on: 1/31/2020 8:52:52 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Margaret Philpott	Individual	Support	No

Comments:

Crime is getting out of control on this island.

**LATE**

**SB-2156**

Submitted on: 1/31/2020 8:59:32 AM

Testimony for JDC on 1/31/2020 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Lisa Cates	Individual	Support	No

Comments:

Purse snatchings and similar theft have proven recently to be violent and often result in injury. It's no different than a robbery. My only suggestion is if a purse snatching results in injury to the victim, that it be treated as a Class B felony charge.

Mahalo for your consideration,

Lisa Cates