

STAND. COM. REP. NO. 1587

Honolulu, Hawaii

APR 09 2021

RE: H.B. No. 171
H.D. 1
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 171, H.D. 1, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY CRIMES,"

begs leave to report as follows:

The purpose and intent of this measure is to change the state of mind required for section 486M-7, Hawaii Revised Statutes, penalties to intentionally or knowingly.

Your Committee received testimony in support of this measure from the Office of the Public Defender and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Hawai'i Pawnbrokers Association and two individuals. Your Committee received comments on this measure from the Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that pawnbrokers and secondhand dealers are required to maintain certain records and make them available to law enforcement to deter the purchase of stolen goods. Stolen property is often sold as secondhand items under the guise of legitimate business transactions. Your Committee further finds that recent efforts to bring dealers into compliance have been frustrated by the high state of mind standard, and that violations of the pawnbrokers and secondhand dealers law requires proof that



a person knowingly purchased stolen property. This is a high bar that is typically only satisfied through a confession. Your Committee finds that this measure is necessary to deter the movement of stolen property through legitimate business channels.

Your Committee has amended this measure by:

- (1) Changing the state of mind requirement to intentionally, knowingly, or recklessly; and
- (2) 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 that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 171, H.D. 1, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 171, H.D. 1, S.D. 2.

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



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
HB171, HD1, SD1	CPN, JDC	4/1/2021		
<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
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura		✓		
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt	✓			
TOTAL	6	1	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes