



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
THIRTY-FIRST LEGISLATURE, 2022**

ON THE FOLLOWING MEASURE:

H.B. NO. 2213, H.D. 1, RELATING TO MAIL THEFT.

BEFORE THE:

SENATE COMMITTEE ON JUDICIARY

DATE: Tuesday, March 22, 2022 **TIME:** 9:31 a.m.

LOCATION: State Capitol, Room 016 and Videoconference

TESTIFIER(S): Holly T. Shikada, Attorney General, or
Lauren M. Nakamura, Deputy Attorney General

Chair Rhoads and Members of the Committee,

The Department of the Attorney General (Department) supports the current draft of this bill (House Draft 1). The bill seeks to address rising incidents of reported mail theft, spurred on by the public's increasing reliance upon online ordering and delivery services due to the ongoing COVID-19 pandemic (page 1, lines 1-13), by establishing the criminal misdemeanor offense of mail theft, without regard to the contents of the mail.

The COVID-19 pandemic has caused an increased public reliance on e-commerce and delivery services. When increased e-commerce is added to global supply chain problems, manufacturing delays, or even delivery mistakes, the time for mail or online purchases to reach the consumer will take significantly longer and ultimately result in rising reports of "porch pirates" taking packages left at doors or in unsecured mail receptacles. The United States Postal Inspection Service (USPIS) recently warned the public that despite the holiday season being over, incidents of mail theft are continuing to rise. Notably, fourteen states have passed or are considering establishing laws that add penalties for mail thieves. These laws include a spectrum of penalties, including a maximum of ten-year prison sentences for those convicted of mail theft from more than thirty addresses (Texas), and making it a misdemeanor offense for even first-time mail theft offenders (California).

According to 2019 Federal Bureau of Investigation (FBI) statistics, Hawaii ranks among the top states in the United States for property crimes. Given the inability to

determine the value of the contents of a mailed envelope, package, bag, or box when it is unopened, prosecution of such crimes under the current state theft statutes is particularly difficult, as it requires proof that the defendant intended to take property valued in excess of a particular amount. Additionally, in situations where such mail may contain personal information such as bank account numbers, social security numbers, or tax information, there are serious and long-lasting effects on the victims of such thefts. The enactment of this bill would address these issues and provide necessary protection to the property of Hawaii's residents.

For the foregoing reasons, the Department respectfully requests that the House Draft 1 of this bill be passed. Thank you for the opportunity to testify.

HB-2213-HD-1

Submitted on: 3/19/2022 7:07:22 PM

Testimony for JDC on 3/22/2022 9:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Gerard Silva	Individual	Oppose	Written Testimony Only

Comments:

This should be a Felony Charge Not a Mister menior.

HB-2213-HD-1

Submitted on: 3/21/2022 9:14:15 PM

Testimony for JDC on 3/22/2022 9:31:00 AM

Submitted By	Organization	Testifier Position	Testify
Ethen	Individual	Support	Written Testimony Only

Comments:

Right now, deliveries are the main way of getting everyday goods, especially since we barely just got out of a pandemic. I believe there should be more legal safeguards to protect our mail and deliveries, especially during a time when mail theft is on the rise.