

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

**Testimony of the Office of the Public Defender,
State of Hawai‘i to the House Committee on
Judiciary and Hawaiian Affairs**

February 24, 2023

H.B. No. 1231: RELATING TO CRIMINAL PROPERTY DAMAGE

Chair David A. Tarnas, Vice Chair Gregg Takayama, and Members of the Committee:

The Office of the Public Defender (“OPD”) understands the concerns and goals of H.B. 1231, especially as it relates to small businesses. However, the broad language of the bill raises concerns, and thus we oppose H.B. 1231.

As written, H.B. 1231 could result in a defendant being charged with a full misdemeanor for merely scratching the finish of a businesses’ delivery van, or breaking a plate or glass in a restaurant if it was done intentionally or knowingly. Minor types of damage are currently punished as a petty misdemeanor, as they are currently classified by value of the damage, and not by ownership of the property.

The OPD respectfully suggests the following additional underlined language to this bill that would support the goals of the bill stated in the preamble but would also not result in the unfair charging of cases:

- (d) The person intentionally or knowingly damages the property of another that is used in a business operation and resulted in the disruption of normal business operations, without the other’s consent, regardless of the cost of the damage. . . .

(See page 3, line 19 to page 4, line 1).

This added language would help to protect businesses from damage, regardless of value, that clearly disrupts the ability of said business from operating, and would not result in minor types of property damage being charged.

Thank you for the opportunity to comment on this measure.

HB-1231

Submitted on: 2/22/2023 10:42:01 AM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Michael Kitchens	Stolen Stuff Hawaii	Support	Written Testimony Only

Comments:

Dear Chair Tarnas, Vice Chair Takayama and Committee members,

I am the creator of Stolen Stuff Hawaii, an anti-crime Facebook & Instagram group comprising over 200,000 Hawaii-based members and I strongly support HB1231 - RELATING TO CRIMINAL PROPERTY DAMAGE.

We must do everything to protect our small businesses from the rampant smash and grab crimes which have been afflicting our communities. Property theft in Hawaii is some of the highest in the nation and from what we have seen in other states such as California, Washington, and Oregon, that if more isn't done to curb crime against small businesses our communities will suffer.

I have operated SSH since 2014 and have seen the hurt and financial damage crimes like these can cause. Just recently, in my own community, a local store, Ewa Pantry, has been constantly a victim of these crimes. To the point where there is a possibility of the owner shutting down his business. Ewa Pantry is just one example of a much loved and much needed store that has been victimized repeatedly due to leniency and a difficult process.

https://www.kitv.com/news/ewa-beach-business-dealing-with-multiple-break-ins/article_45bb04c4-a380-11ed-996c-6bb77ea4ce2a.html

We must do more for our small business owners and therefore I strongly support HB1231 and ask that the Committee do the same.

Mahalo,

Michael Kitchens,
Administrator,
Stolen Stuff Hawaii

HB-1231

Submitted on: 2/22/2023 12:31:28 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Bonnie Fujita	Individual	Support	Written Testimony Only

Comments:

We must support businesses from criminals and punish them. I strongly support HB1231. I ask that the Committee do the same.