

STAND. COM. REP. NO.

822

Honolulu, Hawaii

MAR 02 , 2023

RE: H.B. No. 1231
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 1231 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE,"

begs leave to report as follows:

The purpose of this measure is to expand the misdemeanor offense of criminal property damage in the third degree by including intentionally or knowingly damaging the property of another that is used in a business operation, without the other's consent.

Your Committee received testimony in support of this measure from Stolen Stuff Hawaii and one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that "smash-and-grab" crimes, in which a person breaks a store's window, door, or display case and takes as much merchandise as possible before fleeing, are on the rise. Your Committee further finds that if a business owner is unable to obtain an estimate to repair or replace the damaged property within the time frame requested by law enforcement, the offender is often charged with the petty misdemeanor offense of criminal property damage in the fourth degree, which does not account for the dollar amount of the property damage committed. This measure

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is intended to reduce the burden on the State's small business owners by including the intentional and knowing damage of another's property that is used in a business operation, without the other's consent, in the offense of criminal property damage in the third degree.

Your Committee has amended this measure by:

- (1) Specifying the damage caused must be in excess of \$100;
- (2) Changing the effective date to June 30, 3000, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 1231, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1231, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,



DAVID A. TARNAS, Chair



