



TESTIMONY OF THE STATE ATTORNEY GENERAL TWENTY-FIFTH LEGISLATURE, 2009

ON THE FOLLOWING MEASURE:

H.B. NO. 147, RELATING TO THEFT IN THE SECOND DEGREE.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY

DATE: Friday, February 20, 2009 **TIME:** 3:00 PM

LOCATION: State Capitol, Room 325

TESTIFIER(S): Mark J. Bennett, Attorney General
or Lance Goto, Deputy Attorney General

Chair Karamatsu and Members of the Committee:

The Department of the Attorney General opposes this measure.

The purpose of this bill is to increase the threshold value of property and services for the offense of theft in the second degree from \$300 to \$1,000.

In 2005, the Penal Code Review Committee fully considered and rejected a proposal to increase the threshold value for theft. The Committee included representatives of the Judiciary, the Attorney General, the police, the prosecutors, the public defenders, the private defense bar, and the paroling authority. The Review Committee also solicited input from all of the county police and prosecutor agencies, the state and county bar associations, and the Electronic Commerce Crimes Task Force.

The value for theft in the second degree should not be increased. The current value of \$300 is an appropriate amount. To put it in perspective, a minimum wage worker would have to work at least forty to fifty hours, over a full week, to replace property worth \$300. Increasing the value would diminish the seriousness of many theft crimes and reduce the deterrent impact of the theft offenses. Under this bill, theft of property or services valued between \$100 and \$1,000 would only be a misdemeanor offense. As such, the many convicted misdemeanor offenders, who are felony

offenders under the current law, would not receive the level of appropriate treatment, counseling, and supervision that they would otherwise receive from felony probation services. This bill would reduce the deterrent effect against crime, while at the same time reducing the level of services to offenders, and thereby likely increase the rate of recidivism.

The Department respectfully requests that this measure be held.

**Testimony of the Office of the Public Defender,
State of Hawaii to the House Committee on Judiciary**

February 20, 2009

H.B. No. 147: RELATING TO THEFT IN THE SECOND DEGREE

Chair Karamatsu and Members of the Committee:

H.B. No. 147 would increase the dollar threshold level for felony theft from the current \$300 to \$1000. We support this bill because it would eliminate, as felonies, cases where an offender does not knowingly commit an offense which an offender would reasonably believe is punishable by a five-year prison term.

The rise in prices of all consumer items has resulted in the threshold amount for felony theft being very low. 1986 was the last time the threshold amount was raised when it went from \$200 to the current \$300. (1986 Session laws of Hawaii, Act 314). The raising of the level would not prevent the courts from imposing prison terms for theft. Even if treated as a misdemeanor, an offender could receive up to a one-year term of prison. In reality, very few felony theft offenders, unless they have a prior felony conviction, receive the possible five-year jail term. The vast majority of these cases are currently resolved by placing the offender on either a deferred acceptance of plea, or probation.

Thank you for the opportunity to comment on this bill.

DEPARTMENT OF THE PROSECUTING ATTORNEY
CITY AND COUNTY OF HONOLULU

ALII PLACE
1060 RICHARDS STREET • HONOLULU, HAWAII 96813
PHONE: (808) 547-7400 • FAX: (808) 547-7515

PETER B. CARLISLE
PROSECUTING ATTORNEY



Douglas S. Chin
FIRST DEPUTY PROSECUTING ATTORNEY

**THE HONORABLE JON RIKI KARAMATSU, CHAIR
HOUSE COMMITTEE ON JUDICIARY
Twenty-fifth State Legislature
Regular Session of 2009
State of Hawai'i**

February 20, 2009

RE: H.B. 147; RELATING TO THEFT IN THE SECOND DEGREE.

Chair Karamatsu and members of the House Committee on Judiciary, the Department of the Prosecuting Attorney submits the following testimony in opposition to HB 147.

The purpose of this bill is to amend the class C felony offense of Theft in the Second Degree to require that for this offense, the property or services stolen has to exceed \$1,000. Under the current statutes, Theft in the Second Degree requires that the property or services stolen exceeds \$300.

We strongly oppose this bill. We believe that there is no justification for raising the threshold for felony theft to \$1,000 and that the current \$300 level is appropriate given conditions in Hawaii. Even though Hawaii has a minimum wage higher than the federal minimum wage, at \$7.25 an hour it would take more than 41 hours to earn \$300 prior to any deductions. To earn a net value of \$300 would take substantially longer than 41 hours of work. Thus given the impact on most people, we think the \$300 threshold for felony theft is reasonable and justified.

We also note that the 2005 Penal Code Review Committee discussed and rejected the possibility of raising the threshold for felony theft. For that reason, when the committee's recommendations were presented to the 2006 legislature, a change in the threshold for felony theft was not included. We do not believe there has been any change in circumstances from 2005 when the committee discussed this issue that justifies an increase now in the felony theft threshold.

For these reasons, we strongly oppose HB 147 and respectfully request that it be held. Thank you for this opportunity to testify.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

601 SOUTH BERETANIA STREET - HONOLULU, HAWAII 96813
TELEPHONE: (808) 529-3111 - INTERNET: www.honolulu-pd.org

MUFF HARRISMAN
MAYOR



BOISSE P. CORREA
CHIEF

PAUL B. PUTZLUG
KARLA A. BOGSEY
DEPUTY CHIEFS

OUR REFERENCE: KS-PU

February 20, 2009

The Honorable Jon Riki Karamatsu, Chair
and Members
Committee on Judiciary
House of Representatives
State Capitol
Honolulu, Hawaii 96813

Dear Chair Karamatsu and Members:

Subject: House Bill No. 147, Relating to Theft in the Second Degree

I am Major Kenneth Simmons of District 4 (Kaneohe Police Station) of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department opposes House Bill No. 147, Relating to Theft in the Second Degree.

House Bill No. 147 proposes to raise the value for Theft in the Second Degree from \$300 to \$1,000. This increase would consign the majority of thefts to the status of a misdemeanor offense, thereby removing any deterrent for the perpetrator to stop this conduct. We believe this would adversely affect our community.

In the past, the legislature amended the theft section by increasing and aligning the dollar amount of the property or services taken so that each offense consisted of a greater dollar amount. This realignment involved raising the monetary value for Theft in the Second Degree from \$200 to \$300. Their comments at the time were that the increase would more accurately reflect current property values and the seriousness of the crime.

The theory behind the gradation of theft offenses was that more serious crimes should face more serious penalties. Seriousness was then based on the monetary value of the property or services stolen and the manner in which the theft was committed. That legislature believed, as do we, that those who took items of greater value or in a more dangerous manner committed greater social harm. They believed that people may look upon thefts of items of lesser value as not as serious an offense and so may be more likely to commit this crime.

The Honorable Jon Riki Karamatsu, Chair
and Members
Page 2
February 20, 2009

We concur with this, and we believe that increasing the monetary value for theft of property or services from \$300 to \$1,000 would actually increase the number of thefts. Thieves could actually take up to \$999 worth of property or services because the deterrent would have been removed, and this crime would now only be a misdemeanor offense.

As it is, perpetrators who commit misdemeanor offenses receive a "slap on the wrist" and are rarely incarcerated in contrast to those individuals who are convicted for felony theft offenses. As a result, felons may be incarcerated or placed on probation, then monitored by a probation officer. This monitoring includes periodic checks by the probation officer as well as certain rules that must be adhered to or the offender will be re-incarcerated. This may not seem like much, but it takes the perpetrator out of the community for a while.

In conclusion, raising the value of the felony theft statute would not help law enforcement's efforts to wage war on property crime perpetrators. In fact, it would be like opening Pandora's box and allowing the perpetrators to have full reign in our community.

We strongly urge you to oppose House Bill No. 147, Relating to Theft in the Second Degree.

Thank you for the opportunity to testify.

Sincerely,



For KENNETH SIMMONS, Major
District 4

APPROVED:

for: 
BOISSE P. CORREA
Chief of Police

CHARMAINE TAVARES
Mayor



BENJAMIN M. ACOB
Prosecuting Attorney

PETER A. HANANO
First Deputy Prosecuting Attorney

DEPARTMENT OF THE PROSECUTING ATTORNEY
COUNTY OF MAUI
150 S. HIGH STREET
WAILUKU, MAUI, HAWAII 96793
PHONE (808) 270-7777 • FAX (808) 270-7625

February 19, 2009

HONORABLE JON RIKI KARAMATSU, CHAIR
HONORABLE KEN ITO, VICE CHAIR
COMMITTEE ON JUDICIARY

HOUSE OF REPRESENTATIVES
THE TWENTY-FIFTH LEGISLATURE
REGULAR SESSION OF 2009
STATE OF HAWAII

TESTIMONY OF BENJAMIN M. ACOB,
PROSECUTING ATTORNEY FOR THE COUNTY OF MAUI,
IN OPPOSITION TO H.B. NO. 147
RELATING TO THEFT IN THE SECOND DEGREE

The Honorable Chairpersons and Committee Members:

The Department of the Prosecuting Attorney for the County of Maui strongly opposes H.B. 147 Relating to Theft in the Second Degree.

Under current law, a person commits a felony theft offense if the amount of the theft is valued at over \$300. This proposed bill seeks to increase the threshold from \$300 to \$1,000 in which a misdemeanor theft offense becomes a felony. We strongly oppose this modification in the law for the following reasons.

Clearly, the proposal sends the wrong message to criminals. Under the proposed law, criminals would have to steal over three times as much more property or services before being charged with a felony. Indeed, this will encourage more crime since criminals would be less fearful of being charged with a felony.

Moreover, the over 330% increase of the threshold level from \$300 to \$1,000 probably does not accurately reflect the actual changes in the dollar's value. In other words, is today's dollar worth only .33 cents as compared to what it was worth twenty years ago? Depending on the relative standard, the value of the dollar probably has not declined 330% since 1989.

Accordingly, for the reasons discussed above, our Department strongly opposes the passage of H.B. 147. Thank you for the opportunity to testify.

(H.B. 147 Relating to Theft in the Second Degree)

COMMUNITY ALLIANCE ON PRISONS

76 North King Street, Honolulu, HI 96817

Phone/E-Mail: (808) [533-3454](tel:533-3454)/kat.caphi@gmail.com



COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Friday, February 20, 2009

Room 325

3:00 P.M.

SUPPORT

HB 147 – Theft in the Second Degree

JUDTestimony@capitol.hawaii.gov

Aloha Chair Karamatsu, Vice Chair Ito and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative working to improve conditions of confinement for our incarcerated individuals, enhance Hawai'i's quality of justice, and promote public safety. We come today to speak for the 6,000+ individuals whose voices have been silenced by incarceration, always mindful that more than 2,000 of those individuals are serving their sentences abroad, thousands of miles from their homes and loved ones.

HB 147 increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

Community Alliance on Prisons supports this measure. The theft statute has not been updated for 20 years. Theft is a crime committed largely by substance abusers who steal to feed their drug habit.

If Hawai'i treated substance abuse as the public health problem that it is, we would build a healthier and safer society for all.

Mahalo for this opportunity to testify.



Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

Retail Merchants of Hawaii (RMH) is a not-for-profit trade organization representing 200 members and over 2,000 storefronts, and is committed to support the retail industry and business in general in Hawaii.

RMH strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

The National Retail Federation estimates that the value of merchandise lost to theft is .9% of annual sales. If we apply that same percentage to retail sales in Hawaii (\$24 billion in 2007), the loss is over \$21 million. If these stolen goods had been actual sales, the result would be revenue for the business and for the state (at least \$800,000 in GET).

Our Loss Prevention professionals report that there are chronic shoplifters that know the system and actually calculate the value of the merchandise they are stealing to keep under the \$300 amount to avoid prosecution and serious penalties. The retailer is never compensated and has absolutely no hope of recovery. Can you just imagine the losses to these companies if this threshold is raised to \$1,000? There is absolutely no compelling reason for this increase.

The members of the Retail Merchants of Hawaii respectfully urge you to hold HB147. Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in cursive script, appearing to read 'Carol Pregill'.

Carol Pregill, President

RETAIL MERCHANTS OF HAWAII
1240 Ala Moana Boulevard, Suite 215
Honolulu, HI 96814
ph: 808-592-4200 / fax: 808-592-4202

BEAD IT! Inc

2/19/2009

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

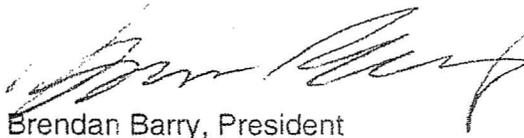
I am Brendan Barry of Bead It! Inc. We have three stores on the island of Oahu employing people and have been in business for 16 years.

Bead It! Inc strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

Over the years we have had numerous incidents involving theft in our stores. It is difficult enough to get an arrest, let alone a conviction. HB147 further impairs the process. Theft is wrong and it affects our business, our employees and our families.

The worst offenders, professional thieves, already know the law and work within its limitations which in effect a license to steal. Let's NOT expand their ability to harm the law-abiding work force of Hawaii.

I respectfully urge you to hold HB147. Thank you for your consideration and for the opportunity to comment on this measure.



Brendan Barry, President

1152 Koko Head Avenue, Honolulu, HI 96816 808.734.1182v 808.735.0809f
629 Kailua Road, Kailua, HI 96734 808.263.1182v 808.263.1181f

Barbara A. Campbell
Vice President
Retail Development and Leasing



February 19, 2009

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

I am Barbara Campbell, Vice President of Leasing and Retail Development for Outrigger Enterprises Group. The Retail Division of Outrigger Enterprises is responsible for over 300,000 square feet of retail space in Waikiki, leasing this area to over 150 individual businesses.

Outrigger Enterprises Group strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

Retailers are continually victimized by shoplifters and are never compensated and have no hope of any recovery from this crime. The majority of our retailers are small businesses and \$300 is a large loss - increasing it to \$1,000 could be devastating.

I respectfully urge you to hold HB147. Thank you for your consideration and for the opportunity to comment on this measure.

Sincerely,

A handwritten signature in cursive script that reads "Barbara Campbell".

Barbara Campbell
Vice President

BAC:dd
c: Max Sword



February 19, 2009

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

I am Shawn Kalima, Loss Prevention Manager for DFS Hawaii. DFS continues to be the world's most trusted and respected luxury travel retailer. As such, DFS strives to meet the ever-evolving needs of travelers to Hawaii with the most prestigious brands and high quality destination-specific merchandise.

DFS Hawaii strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

The high-quality and desirability of the merchandise we offer already has built-in vulnerabilities to theft, specifically shoplifting. Be it the result of current economic struggles and/or a noticeable influx of "active players" (chronics) in the Waikiki district, we've experienced an increase of shoplift and suspicious-activity incidents at our DFS Galleria Waikiki Store over the past few months. Increasing the minimum to \$1,000 (from \$300) only reduces the consequences to potential thieves, many of whom are repeat offenders. Conversely, the element of risk to our store is elevated significantly.

I respectfully urge you to hold HB147. Thank you for your consideration and for the opportunity to comment on this measure.

A handwritten signature in black ink that reads "Shawn Kalima".

Shawn Kalima
Loss Prevention Manager
DFS Hawaii
Phone: 837-3703

Hawaiian Moon

201 Sumner St. #401, Honolulu, HI 96817, Tel# (808) 537-6488 Fax# (808) 537-6497

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

I am Aaron Chan, owner and president of Hawaiian Moon. A local based small business dedicated to offering fine quality Island Wear to customers who appreciate uncompromising quality and locally influenced styling made here in Hawaii. Since 1999 we have developed a loyal following of customers not just here in Hawaii, but all over the globe out of our two retail locations, Waikiki and Ward Centers. We challenge ourselves everyday to continue to provide products made by the locals here in Hawaii.

Hawaiian Moon strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

As you are aware, operating a small business today is extremely tight. We are challenged with having sufficient cash flow, meeting the demands of the qualification in establishing and sustaining credit, and being depended on our visitor's spending habits which has dwindled. HB147 would hinder our ability to stay afloat.

I respectfully urge you to hold HB147. Thank you for your consideration and for the opportunity to comment on this measure.

Respectfully,



Aaron Chan
President

Wayne Yagi

From: The Wedding Cafe :: tanna dang [love@theweddingcafe.net]
Sent: Thursday, February 19, 2009 10:24 PM
To: Rep. Jon Karamatsu
Cc: Rep. Ken Ito
Subject: HB147

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
3:00 pm
Conference Room 325
State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

My name is Tanna Dang, and with my husband, we own/operate a cafe and boutique called The Wedding Cafe at Ward Warehouse. We've been in business since 2001 starting humbly in Manoa Marketplace. Through much economic ups and downs, we've been able to open a store at Ward Warehouse, hire 10 employees and also expand our location in October of last year, doubling our retail space.

Speaking for The Wedding Cafe, we strongly oppose HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1000.

As a small business, I hope you can see how theft greatly impacts our bottom line and urge you to take into consideration our opposition as business owners in the state of Hawaii. Penalties should be increased for theft no matter what the dollar amount is, we're all struggling to stay afloat during this very tough economic time.

Thank you for your consideration and for the opportunity to comment on this measure.

tanna dang
the wedding cafe

.....
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www.TheWeddingCafe.net
808.227.3602 :: reach me direct!
808.951.1519 :: home office.



766 Pohukaina St
Honolulu, Hawaii 96813
(808) 591-2550

Representative Jon Riki Karamatsu, Chair
Representative Ken Ito, Vice Chair
Committee on Judiciary

HEARING Friday, February 20, 2009
 3:00 pm
 Conference Room 325
 State Capitol, Honolulu, Hawaii 96813

RE: HB147, Relating to Theft in the Second Degree

Chair Karamatsu, Vice Chair Ito and Members of the Committee:

My name for the record is Newell Hirata and I am the Loss Prevention Manager for the ABC Stores.

The ABC Stores strongly opposes HB147, which increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1,000.

The ABC Stores in 2008 experienced over 400 shoplifting incidents, resulting in either arrest or the issuance of a trespass. The shoplifters that went undetected would likely double this count. A chain operation like the ABC Stores already faces the challenge of trying to get each store recognized as part of one company and not have each incident treated independently. In other words a shoplifter could visit all 30+ stores in Waikiki and shoplift \$100 at each store. We have shoplifters that have more than 75 convictions for shoplifting yet remain free to continue.

Issuing a trespass to an individual for all ABC Stores in Waikiki and consolidating all the thefts into one charge is not an automatic. Increasing the amount to a \$1,000 without giving the retailer some leverage to deal with chronic shoplifters is in my opinion, transferring power to the wrong side of the ledger.

While we all struggle to make ends meet in this economy, laws to protect our precious profits should be considered and not something that gives the shoplifter an advantage. Does anything in this bill help the retailer protect their profits? Businesses will be forced to increase prices which will not help the affordability image to promote Hawaii's tourism industry. If tourists start to consider Hawaii too expensive a destination we all lose, the hotels, the airlines, the retailers and yes, the State of Hawaii. Who would be the only beneficiary, the shoplifter.

Thank you for your consideration and I urge you to hold HB147.

Aloha and Mahalo,

Newell Hirata
Loss Prevention Manager

2/20/09



LEGISLATIVE INFORMATION SERVICES OF HAWAII

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February 20, 2009

Testimony to: House Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair

By: Richard C. Botti

Re: HB 147 RELATING TO THEFT IN THE SECOND DEGREE

Chairs & Committee Members:

We oppose the passage of HB 147. It sends the wrong message to professional thieves that they can steal up to \$999 and avoid the more serious crime.

If your Committee is intent on increasing the threshold, there should then be language that would include repeat offenders that steal over \$1,000 combined within a three year period. This would assure consumers and businesses alike that we are serious about crime, while providing the increased benefit to the first time offender who will be given a change to clean up his or her act.

WAIKIKI BEACH ACTIVITIES, LTD.
SAFETY SERVICE & SALES
2005 Kalia Road
Honolulu, Hawaii 96815-1999



Office Phone (808) 951-4088

Office Fax (808) 951-4089

<job@waikikibeachactivities.com >

February 20, 2009

Committee on Judiciary
Rep. Jon Riki Karamatsu, Chair

Re: HB 147 Relating to Theft in the Second Degree

Aloha Rep Jon Riki Karamatsu and Committee Members:

I want to express our opposition to this proposed legislation. Small businesses like ours need to have laws that provide accountability and protection. We are already victims of crime please do not open the doors to more.

Aloha,

A handwritten signature in black ink, appearing to be 'Bob Hampton'. The signature is written over a horizontal line that has been crossed out with another line.

Bob Hampton
President
Waikiki Beach Activities

We deliver the Experience

COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair

Rep. Ken Ito, Vice Chair

Friday, February 20, 2009

3:00 PM

Room 325

SUPPORT

HB 147 – Theft in the Second Degree

Aloha Chair Karamatsu, Vice Chair Ito, and Committee Members:

My name is Diana Bethel, and I am writing in support of HB 147 which will increase the minimum value of stolen property or services constituting theft in the second degree from \$300 to \$1000.

Passage of HB 147 is critical to addressing the problem of over-incarceration that has led to overcrowding in Hawaii's prisons. In light of the state's budgetary crisis, it would seem prudent to reevaluate and revise the criteria for defining theft in the second degree. Given that the statute has not been changed in 20 years, in today's terms, the amount of \$300 seems inconsequential in comparison to the tens of thousands of taxpayer dollars per year it costs to incarcerate one person for committing a nonviolent crime.

Are we getting our money's worth? When you think about the root cause of theft, at this level, which apparently is largely due to substance abuse, incarceration does not even address the problem, but only causes more problems. Wouldn't alternative sentencing ultimately be more effective, less costly, and cause fewer problems in the community?

I strongly urge you to pass HB 147 to help address prison overcrowding and apply a sense of fiscal responsibility and proportionality in the implementation of our criminal justice laws.

Mahalo for the opportunity to submit testimony on this critically important issue.

Diana Bethel
1441 Victoria St.,
Honolulu, Hawaii 96822



COMMITTEE ON JUDICIARY

Rep. Jon Riki Karamatsu, Chair
Rep. Ken Ito, Vice Chair
Friday, February 20, 2009
3:00 PM Room 325

SUPPORT: HB 147 RELATING TO THEFT IN THE SECOND DEGREE

Aloha Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

My name is Carrie Ann Shirota, and I am writing in support of HB147 RELATING TO THEFT IN THE SECOND DEGREE. My experiences as a former Public Defender and staff member of a reentry program on Maui, as well as a member of Community Alliance on Prisons have shaped my advocacy efforts to promote rehabilitation, accountability and transparency within our correctional system, and alternatives to incarceration.

I support this bill for the following reasons:

The prison population growth in Hawai'i is linked to changes in our sentencing laws, not due to an increase in crime. Accordingly, we must amend sentencing laws that contributed to the prison population growth. The current bill does that by increasing minimum value of stolen property or services constituting theft in the second degree, a Class C felony from \$300 to \$1000.

Theft is a non-violent crime, often committed by persons with a substance abuse addiction. Despite high levels of drug use, relatively few prisoners receive drug treatment while incarcerated. In Hawai'i, a report commissioned by PSD indicated that less than 15% of all prisoners receive substance abuse treatment. *See Ten Year Corrections Master Plan Update.* Instead of throwing non-violent individuals in prison, it would be more cost-effective to determine if the theft was fueled by substance abuse and to treat the root cause of the problem.

The Sentencing Project's Report Incarceration and Crime: A Complex Relationship (2006) highlights the marginal connection between mass imprisonment and reduced crime. The Report concludes that "the persistent removal of persons from the community to prison and their eventual return has a destabilizing effect that has been demonstrated to fray family and community bonds, and contribute to an increase in recidivism and future criminality." Moreover, the Report concludes that alternatives approaches to reduce crime, such as treatment and intervention, are more cost effective and protect families. Accordingly, we must invest in programs that have proven effective in reducing recidivism.

Mahalo for this opportunity to submit testimony in strong support of HB 147!

Sincerely,

Carrie Ann Shirota, Esq.
Wailuku, Hawai'i
(808) 269-3858

karamatsu3-Leanne

From: Chris Curnan [CCurnan@sensormatichawaii.com]
Sent: Friday, February 20, 2009 9:23 AM
To: JUDtestimony
Subject: In Opposition to HB 147

Chair Karamatsu, Vice Chair Ito, and Members of the Committee:

I am a 38 year veteran of the law enforcement, government and retail communities. I have experienced the effects of theft on individuals, groups and businesses. Increasing the minimum value from \$300 to \$1,000 for 2nd degree theft will be a devastating blow to potential victims that enjoy some protection from the deterrent effect of the present threshold. There are no compelling reasons to change that. Most of those that engage in these thefts are very aware of the differences in consequences for a \$299 theft versus a \$301 theft and calculate their actions accordingly. The judicial system already has the tools to mitigate the impact of a 2nd degree theft charge for those others that may be eligible for less consequential judgments. The only beneficiaries of this bill will be the criminals. I urge you all to vote against this bill in the best interests of you communities. Mahalo...

Chris H. Curnan

*General Manager
Sensormatic Hawaii Inc.
Value Added Security Technology
(808) 484-4000 Ext. 236
(808) 487-0810 FAX
(808) 371-9059 Cell
Email: ccurnan@sensormatichawaii.com*