



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

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 848, RELATING TO METAL.

**BEFORE THE:**

HOUSE COMMITTEE ON COMMERCE AND CONSUMER PROTECTION

**DATE:** Monday, March 16, 2009 **TIME:** 2:15 PM

**LOCATION:** State Capitol, Room 325

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

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Chair Herkes and Members of the Committee:

The Attorney General strongly supports this bill.

The purpose of this bill is to remove the sunset provision of Act 197, Session Laws of Hawaii 2007, and continue the requirements for the purchase of copper by scrap dealers, along with the other provisions of the act, intended to address the problem of copper thefts, including the theft of copper offense.

This bill also addresses the repeal and reenactment provision of section 6 of Act 53, Session Laws of Hawaii 2008, to preserve the Act 197 amendments. Act 53 made amendments to sections 445-231 and 445-233 of the Hawaii Revises Statutes and provided for the repeal and reenactment of those sections on July 1, 2009, in the form in which those sections read on the day before the effective date of Act 197.

Copper thefts have had a great impact on the residents of Hawaii. Copper thieves have dismantled street lights, caused power outages, and caused the closure of parks and other facilities. One attempted theft resulted in the death of an individual.

Act 197 took a two-pronged approach to the problem by: (1) establishing theft of copper as a felony offense; and (2) imposing additional requirements on scrap dealers and those that sell copper to scrap dealers to deter the sale of stolen copper. A two-year sunset date, of July 1, 2009, was placed on the Act 197

amendments to allow for an assessment of the Act's effectiveness. During the short period of time that the amendments have been in place, they have had a positive impact and have greatly facilitated the investigation and prosecution of copper theft offenses. Maintaining the provisions of Act 197 will help authorities address the problem of copper theft and the numerous and costly problems that such thefts cause to our communities and the public.

We respectfully request passage of this measure.

DEPARTMENT OF THE PROSECUTING ATTORNEY  
**CITY AND COUNTY OF HONOLULU**

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**THE HONORABLE ROBERT HERKES, CHAIR**  
**HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE**  
**Twenty-fifth State Legislature**  
**Regular Session of 2009**  
**State of Hawai'i**

March 16, 2009

**RE: S.B. 848; RELATING TO METAL.**

Chair Herkes and members of the House Committee on Consumer Protection and Commerce, the Department of the Prosecuting Attorney submits the following testimony in support of Senate Bill 848.

The purpose of this bill is to remove the July 1, 2009 sunset from Act 197 of 2007 and make the provisions of Act 197 of 2007 and its subsequent amendments permanent.

In 2007, the legislature passed Act 197 which created a class C offense for the theft of a pound or more of copper. In addition, Act 197 also established: 1) requirements for documenting the purchase of copper by scrap dealers; and 2) enhanced penalties for violations of the licensing and documentation requirements for scrap dealers. This law has proven extremely effective in aiding law enforcement in investigating and prosecuting copper theft cases.

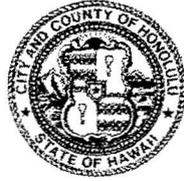
Most recently, members of a major copper theft ring were indicted for copper theft. The ring is alleged to have stolen 72,000 pounds of copper wiring from the H-1 and H-2 freeways; the thefts caused millions of dollars in damages and posed safety concerns for motorists as parts of the freeways were left in the dark for months. We've also used the copper theft law in other instances including a case in which copper wiring was stolen several times from West Loch Golf Course by the same defendant.

We believe that in the short period of time this law has been in effect, that it has been tremendously useful in combating and deterring copper theft. For this reason, we respectfully request your favorable consideration of this bill and thank you for this opportunity to testify.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

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MUTI HANNEMANN  
MAYOR



BOISSE P. CORREA  
CHIEF

PAUL G. PUTZLU  
KARLA G. GADSEY  
DEPUTY CHIEFS

OUR REFERENCE TK-MK

March 16, 2009

The Honorable Robert N. Herkes, Chair  
and Members  
Committee on Consumer Protection  
and Commerce  
House of Representatives  
State Capitol  
Honolulu, Hawaii 96813

Dear Chair Herkes and Members:

Subject: Senate Bill No. 848, Relating to Metal

I am Captain Terrence Kong, of District 5, of the Honolulu Police Department, City and County of Honolulu.

The Honolulu Police Department supports Senate Bill No. 848, Relating to Metal.

The requirements of Act 197 have contributed to the decrease in copper thefts on the island of Oahu. In 2006, there were 426 cases reported to the Honolulu Police Department with a value of \$935,773. In 2007, there were 266 cases reported with a value of \$959,862. In 2008, there were only 84 cases reported with a value of \$297,432.

The copper theft problem that has plagued the islands has decreased because of public awareness, legislation, and enforcement efforts. I strongly recommend passage of Senate Bill No. 848. Thank you for allowing me to testify.

Sincerely,

  
TERRENCE KONG, Captain  
District 5

APPROVED:

  
BOISSE P. CORREA  
Chief of Police

*Serving and Protecting With Aloha*

# Testimony before the House Committee on Consumer Protection & Commerce

By Jim Beavers  
Manager, Safety, Security and Facilities  
Hawaiian Electric Company, Inc.

March 16, 2009  
2:15 p.m.  
Senate Bill 848  
Relating to Metal

Chair Herkes, Vice Chair Wakai, and Members of the Committee:

My name is Jim Beavers and I am testifying on behalf of the Hawaiian Electric Company and its subsidiaries, Hawaii Electric Light Company and Maui Electric Company.

We strongly **support** SB 848, which removes the sunset clause in Act 197 on those provisions enacted to deter the sale of stolen copper. Since the passage of these provisions, which made the theft of copper a new criminal offense and which placed stringent requirements on scrap dealers and sellers of copper, Hawaiian Electric Company has seen a reduction in the amount of copper theft incidents. The result has been reduced inconvenienced to our customers and a reduction of the risk of injury and/or death to those that attempt to steal copper from our facilities since they are energized at very high voltages. We have experienced incidents in the past where thieves have been seriously injured while attempting to steal copper from our facilities.

For all the reasons stated above, we strongly support this bill.