
A BILL FOR AN ACT

RELATING TO COPPER.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. For many years, theft of copper from both
2 private property and public infrastructure has been a serious
3 problem statewide. Because copper brings a high price from
4 North American and Asian recyclers, it is the most valuable and
5 in-demand commodity on Hawaii's scrap metal market. Thieves
6 have been known to take copper in the form of wires, tubing,
7 pipes, construction material, and equipment parts for the
8 purpose of selling to scrap dealers.

9 On Oahu's H-1 and H-2 freeways, recurring theft of copper
10 wiring from electrical boxes servicing light poles has left
11 large sections of these busy roadways in the dark, creating
12 chronic safety concerns for motorists, pedestrians, and nearby
13 businesses and residents. In addition, theft of copper from
14 public property statewide has cost Hawaii taxpayers millions of
15 dollars in repair and replacement costs over the last several
16 years and has preoccupied critical law enforcement resources.



1 Hawaii home and business owners have also suffered great losses
2 from the theft of scrap copper from their property.

3 Law enforcement officers theorize that the ease of selling
4 scrap copper at lucrative prices in the State contributes to the
5 theft epidemic. Although current law requires scrap dealers to
6 keep extensive records of all copper transactions, these
7 requirements have proven insufficient to disrupt market factors
8 sufficiently to deter copper theft. Further administrative
9 requirements placed on scrap dealers would have the effect of
10 unfairly burdening those small businesses that are diligent in
11 their efforts to comply with the law. The legislature finds
12 that criminal penalties targeting individual bad actors in the
13 scrap metal industry are necessary to disrupt the illicit scrap
14 metal market sufficiently to deter copper theft in the State.

15 SECTION 2. Section 445-235, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§445-235 Prohibitions; penalty.** (a) Any person who
18 violates section 445-232, 445-233, or 445-233.5, or any person
19 who falsifies a statement required by section 445-233, shall be
20 guilty of a misdemeanor and shall be sentenced in accordance



1 with chapter 706, except that the court shall impose a minimum
2 sentence of:

- 3 (1) A fine of \$1,000 for the first offense;
- 4 (2) A fine of \$3,000 for the second offense; and
- 5 (3) A fine of \$5,000 and the suspension of the scrap
6 dealer's license for a period of six months for the
7 third or subsequent offense; provided that if the
8 third or subsequent offense occurs within a five-year
9 period from the occurrence of two prior offenses, the
10 scrap dealer shall be subject to license revocation.

11 (b) Any scrap dealer who knowingly receives stolen copper
12 shall be guilty of a class C felony and shall be sentenced in
13 accordance with chapter 706, except that the court shall impose
14 a minimum sentence of:

- 15 (1) A fine of \$5,000 and suspension of the scrap dealer's
16 license for a period of six months for the first
17 offense; and
- 18 (2) A fine of \$10,000 and revocation of the scrap dealer's
19 license for a subsequent offense committed within five
20 years of a prior offense under this subsection."



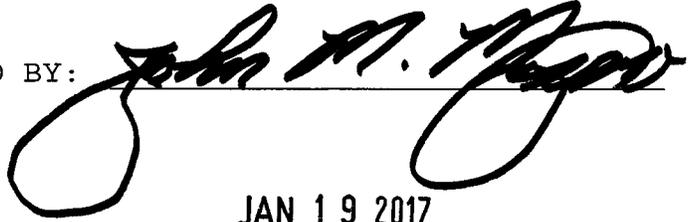
H.B. NO. 124

1 SECTION 3. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 4. This Act shall take effect on July 1, 2017.

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INTRODUCED BY:


JAN 19 2017



H.B. NO. 124

Report Title:

Theft of Copper; Scrap Dealers; Penalty

Description:

Establishes a Class C felony and specifies penalties for a scrap metal dealer who knowingly accepts stolen copper.

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