
A BILL FOR AN ACT

RELATING TO PROPERTY CRIMES.

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

1 SECTION 1. The legislature finds that Hawaii has a high
2 property crime rate, and law enforcement officers are tasked
3 with locating, identifying, and recovering stolen property, and
4 returning the stolen property to the rightful owner. The
5 legislature also finds that the Hawaii Revised Statutes does not
6 adequately address situations in which an offender takes the
7 property of another and subsequently sells the stolen item to a
8 pawnbroker or secondhand dealer, as described in chapter 486M,
9 Hawaii Revised Statutes. Criminals have successfully profited
10 from selling or pawning property that was stolen from homes or
11 vehicles and have disguised these transactions as legitimate
12 business dealings. Successful prosecution of these cases is
13 critical to addressing property crime because criminals will
14 often attempt to exchange stolen items for money. The
15 legislature intends to ensure that pawn shops and secondhand
16 businesses are transparent and fully accountable for all of
17 their respective business dealings.



1 Current statutory provisions have proven ineffective by
2 state court rulings that require the State to prove that a
3 defendant knowingly purchased stolen items. In the great
4 majority of cases, this requires a confession from the
5 defendant, which may be difficult to obtain because defendants
6 have the right to remain silent. Thus, law enforcement is often
7 hindered in meeting the state of mind requirement to prosecute
8 these cases.

9 Accordingly, the purpose of this Act is to change the state
10 of mind required for section 486M-7, Hawaii Revised Statutes,
11 penalties to intentionally, knowingly, or recklessly.

12 SECTION 2. Section 486M-7, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§486M-7 Penalties.** Any dealer, or any agent, employee,
15 or representative of a dealer who intentionally, knowingly, or
16 recklessly violates any of the provisions of sections 486M-2,
17 486M-3, or 486M-4, or who refuses to allow the inspection
18 provided for in section 486M-5, and any person who offers or
19 records information [~~which~~] that is required under
20 section 486M-2 that the person knows or has reason to know is
21 false, shall be guilty of a misdemeanor. Any dealer, or any



1 agent, employee, or representative of a dealer who is convicted
2 for a second violation of any provision of this chapter shall,
3 in addition to the foregoing penalty, be permanently prohibited
4 from engaging in the business of buying or selling [~~of~~] precious
5 or semiprecious metals or precious or semiprecious gems or any
6 article."

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.



Report Title:

Honolulu Police Department Package; Penal Code; Pawnbrokers;
Secondhand Dealers; Penalties

Description:

Changes the state of mind required for section 486M-7, Hawaii
Revised Statutes, penalties to intentionally, knowingly, or
recklessly. (HD1)

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not legislation or evidence of legislative intent.*

