STAND. COM. REP. NO.

755

Honolulu, Hawaii

MAR 04 , 2021

RE: H.B. No. 171

H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 171 entitled:

"A BILL FOR AN ACT RELATING TO PROPERTY CRIMES,"

begs leave to report as follows:

The purpose of this measure is to broaden the state of mind requirements for certain offenses under chapter 486M, Hawaii Revised Statutes, relating to the responsibilities of pawnbrokers and secondhand dealers.

Your Committee received testimony in support of this measure from the Maui Police Department and Honolulu Police Department. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Hawaii Pawnbrokers Association, Hawaii Gold & Silver Company, and Kamaaina Loan and Cash for Gold.

Your Committee finds that Hawaii has a high property crime rate. Stolen property is often sold as secondhand items under the guise of legitimate business transactions. Your Committee further finds, however, that violations of the pawnbrokers and secondhand dealers law requires proof that a person knowingly purchased stolen property. This is a high bar that is typically only satisfied through a confession. Your Committee finds that this

measure is necessary to deter the movement of stolen property through legitimate business channels.

Your Committee has amended this measure by:

- (1) Reinstating the state of mind requirement of knowingly violating the pawnbrokers and secondhand dealers law, as well as including intentionally or recklessly violating the law in the affected section; and
- (2) 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. 171, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 171, 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,

State of Hawaii House of Representatives The Thirty-first Legislature HSCR 755

Record of Votes of the Committee on Judiciary & Hawaiian Affairs

Bill/Resolution No.: HB 7	Committee Referral:		Date: 2-23-21	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: ☐ Pass, unamended (as is) ☐ Pass, with amendments (HD) ☐ Hold ☐ Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)				
		200		LESS RATE
2. MATAYOSHI, Scot Z. (VC)				
3. ICHIYAMA, Linda				
4. KOBAYASHI, Dale T.			Contract the second	NEW PROPERTY OF A STATE OF THE
5. LoPRESTI, Matthew S.	AND THE REAL PROPERTY OF THE PARTY OF THE PA			
3. Loi RES11, Matthew 3.		Part Carlon State	W W Winds Brown Co	Mark State In the
6. LOWEN, Nicole E.			100 100 100 100 100 100 100 100 100 100	
7. McKELVEY, Angus L.K.			. ,	Latin Singapore Latin Santa Latin
8. NAKAMURA, Nadine K.				155 NO. 251 AVS. 515
9. TAKUMI, Roy M.				
10. TODD, Chris				
	STEEL BENDERS OF STREET			
11. TOKIOKA, James Kunane		Carrier at Carrier State		
12. WARD, Gene				CALL RASE
12. WARD, Gene				
TOTAL (12)	10	2	Ø	Ø
The recommendation is: Adopted If joint referral, did not support recommendation. committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) - Committee Duplicate (Yellow) - Chief Clerk's Office Duplicate (Pink) - HMSO				