

STAND. COM. REP. NO. **2433**

Honolulu, Hawaii

FEB 17 2022

RE: S.B. No. 2646
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and
Military Affairs, to which was referred S.B. No. 2646 entitled:

"A BILL FOR AN ACT RELATING TO CONSUMER PROTECTION,"

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit, in counties with a population of five hundred thousand or more, the sale of a bicycle that is reported stolen and listed on a publicly available online stolen item database;
- (2) Require the police department in counties with a population of five hundred thousand or more to establish the publicly available online stolen item database; and
- (3) Update the recordkeeping and retention requirements for businesses that buy previously owned articles.

Your Committee received testimony in support of this measure from the Honolulu Police Department and Department of the Prosecuting Attorney of the City and County of Honolulu. Your Committee received testimony in opposition to this measure from the Hawaii Pawnbrokers Association, National Pawnbrokers Association, and two individuals. Your Committee received



comments on this measure from the Department of the Attorney General and one individual.

Your Committee finds that the theft of personal items may significantly impact a person financially as well as in other ways, such as the loss of work data, school notes on a laptop, or the loss of memories on a cellular phone. Additionally, bicycle thefts further impact the State's sustainability goals of reducing carbon emissions and utilizing low carbon transportation as residents are inhibited in investing in and using bicycles for transportation. Your Committee believes that reducing resale opportunities for these items is one way to decrease the motivation to steal them. Stolen items are often resold through pawnshops, business that purchase secondhand items, and online sales platforms. Although businesses with a physical presence and monetary transactions in the State must be licensed to operate and are required to submit records of transactions to county police departments, these transactions are currently being submitted in hard copy. This manual inputting of data by the county police departments creates an unnecessary lag and is an impediment to quickly comparing and identifying potentially stolen items against itemized lists from recent burglaries and thefts. Your Committee believes that allowing pawnbrokers and secondhand dealers to submit electronic records will enable county police departments to process these records in a more efficient manner and decrease the time frame for record retention. This measure will improve victim's chances of being reunited with their property by prohibiting, in counties with a population of five hundred thousand or more, the sale of a bicycle that is reported stolen and listed on a publicly available online stolen item database, requiring the police department in counties with a population of five hundred thousand or more to establish the publicly available online stolen item database, and updating the recordkeeping and retention requirements for businesses that buy previously owned articles.

Your Committee has amended this measure by:

- (1) Requiring the working group established pursuant to House Resolution No. 154 (2014) to submit to the Legislature a report of its findings and recommendations, including any proposed legislation, no



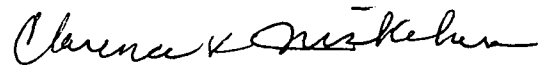
later than twenty days prior to the convening of the Regular Session of 2023;

- (2) Inserting an effective date of July 31, 2050, to encourage further discussion; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committee notes testimony that this measure, as applied to pawn brokers, may be inconsistent with federal law and requests that your Committee on Judiciary consider that issue upon further hearing of this measure.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2646, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2646, S.D. 1, and be referred to your Committees on Judiciary and Ways and Means.

Respectfully submitted on
behalf of the members of the
Committee on Public Safety,
Intergovernmental, and Military
Affairs,

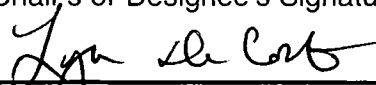


CLARENCE K. NISHIHARA, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

Record of Votes
Committee on Public Safety, Intergovernmental, and Military Affairs
PSM

Bill / Resolution No.:* SB 2646	Committee Referral: PSM, JDC/WAM	Date: 2/10/2022		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
NISHIHARA, Clarence K. (C)	✓			
DECOITE, Lynn (VC)	✓			
BAKER, Rosalyn H.				✓
RIVIERE, Gil	✓			✓
FEVELLA, Kurt	✓			
TOTAL	4	0	0	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes