

ACT 53

S.B. NO. 2782

A Bill for an Act Relating to Metal.

*Be It Enacted by the Legislature of the State of Hawaii:*

SECTION 1. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to be appropriately designated and to read as follows:

**“§708- Theft of beer keg.** (1) A person commits the offense of theft of beer keg if the person commits theft of a beer keg.

(2) For the purposes of this section, “beer keg” means a metal container used to hold five gallons or more of liquid that is stamped, engraved, stenciled, or otherwise marked with the name of a brewery manufacturer; provided that a deposit beverage container, as defined under section 342G-101, shall not be considered a beer keg.

(3) Theft of beer keg is a misdemeanor.”

SECTION 2. Section 445-231, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Beer keg” means a metal container used to hold five gallons or more of liquid that is stamped, engraved, stenciled, or otherwise marked with the name of a brewery manufacturer; provided that a deposit beverage container, as defined under section 342G-101, shall not be considered a beer keg.”

SECTION 3. Section 445-233, Hawaii Revised Statutes, is amended as follows:

1. By amending subsection (b) to read:

“(b) If the scrap presented for purchase is copper, or a beer keg, in whole or in part, the seller shall provide a copy of a receipt that describes, with particularity:

- (1) The exact item that is being offered for sale;
- (2) Who issued the receipt;
- (3) The date of sale of the item prior to the item’s being offered to the scrap dealer; and
- (4) The price, if any, of the item when obtained by the seller.”

2. By amending subsections (d), (e), and (f) to read:

“(d) If the seller does not provide a copy of the receipt or the notarized declaration as required by subsections (b) and (c), the scrap dealer shall not purchase the copper, or beer keg, in whole or in part, and shall report the attempted sale to the police.

(e) If the scrap dealer purchases any copper[;] or beer keg, in whole or in part, the scrap dealer shall take a photograph or photographs of all of the copper or any beer keg offered for sale.

(f) The scrap dealer shall also require the seller to verify the seller’s identity by presenting a valid photo identification card or license issued by a federal or state government agency authorized to issue [~~such~~] valid identification. If the scrap being offered for sale is copper, or a beer keg, in whole or in part, the scrap dealer shall:

- (1) Take a photograph of the seller; or
- (2) Make a photocopy of the identification card or license of the seller.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.<sup>1</sup>

SECTION 6. This Act shall take effect on July 1, 2008, and shall be repealed on July 1, 2009; provided that sections 445-231 and 445-233, Hawaii Revised Statutes, shall be reenacted in the form in which those sections read on the day before the effective date of Act 197, Session Laws of Hawaii 2007.

(Approved May 1, 2008.)

#### Note

1. Edited pursuant to HRS §23G-16.5.