

Honolulu, Hawaii

MAR 19 2008

RE: H.B. No. 2347
H.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fourth State Legislature
Regular Session of 2008
State of Hawaii

Madam:

Your Committee on Commerce, Consumer Protection, and
Affordable Housing, to which was referred H.B. No. 2347, H.D. 1,
entitled:

"A BILL FOR AN ACT RELATING TO METAL,"

begs leave to report as follows:

The purpose of this measure is to ensure that law enforcement
efforts to crack down on metal theft are not hampered by what
appears to be an ambiguity in the law by affirming that a scrap
dealer can be punished for violations involving either being
unlicensed or by failing to keep or falsifying records.

Testimony in support of this measure was submitted by the
Department of the Attorney General; the Department of the
Prosecuting Attorney, City and County of Honolulu; and the
Honolulu Police Department, City and County of Honolulu.

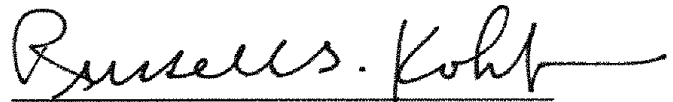
Your Committee finds that in its current form, section 445-
235, Hawaii Revised Statutes, can be construed to mean that a
person must violate both, the licensing requirements under section
445-232, Hawaii Revised Statutes, and the documentation
requirements under section 445-233, Hawaii Revised Statutes,
before a penalty can be imposed. Legislative history indicates
the necessity for documentation of sales to combat fencing of
stolen goods, and the necessity of licensing to ensure appropriate
regulation of persons who buy scrap metal. Thus, amending section
445-235, Hawaii Revised Statutes, will affirm the Legislature's
intent that a scrap dealer can be punished for violations



involving either being unlicensed or by failing to keep or falsifying records.

As affirmed by the record of votes of the members of your Committee on Commerce, Consumer Protection, and Affordable Housing that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2347, H.D. 1, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Commerce, Consumer
Protection, and Affordable
Housing,



RUSSELL S. KOKUBUN, Chair



