

JAN 22 2021

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



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

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

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken.

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

12

INTRODUCED BY:



By Request



S.B. NO. 397

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.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

