

HOUSE OF REPRESENTATIVES  
TWENTY-EIGHTH LEGISLATURE, 2016  
STATE OF HAWAII

**H.B. NO.** 1578  
H.D. 2  
S.D. 1  
C.D. 1

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## A BILL FOR AN ACT

RELATING TO THEFT.

**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 part IV to be appropriately designated and to read as follows:

"§708- Theft of urn. (1) A person commits the offense of theft of urn if the person:

(a) Obtains an urn through any means described in section 708-830; or

(b) Violates section 445-233 in regard to an urn.

*Information Current as of May 2016.*



(2) For the purposes of this section, "urn" means a container that is or has been used to hold human ashes.

(3) Theft of urn is a class C felony."

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

"Urn" means a container that is or has been used to hold human ashes."

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, or an urn, 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

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keg, or urn, 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, or urn, in whole or in part, the scrap dealer shall take a photograph or photographs of all of the copper [or any], beer keg, or urn, 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 valid identification. If the scrap being offered for sale is copper, [or] a beer keg, or an urn, 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.

SECTION 6. This Act shall take effect on July 1, 2016.

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**Report Title:**

Urn; Theft; Penal Code; Class C Felony; Scrap Dealers; Statement

**Description:**

Establishes the offense of theft of urn as a class C felony.  
Requires scrap dealers to follow the same requirements regarding a written statement for the purchase of an urn as they do for the purchase of copper or a beer keg. (HB1578 CD1)

[http://www.capitol.hawaii.gov/session2016/bills/HB1578\\_CD1\\_.htm](http://www.capitol.hawaii.gov/session2016/bills/HB1578_CD1_.htm)

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## PART X. SCRAP DEALERS

### Note

Sections 445-231 to 445-235 designated as Part X by L 1990, c 164, §28.

Assessment under §26H-4 removed. L 1992, c 232, §1.

§445-231 Definitions. As used in this chapter, unless the context otherwise requires:

"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.

"Copper" means copper in all different forms, including tubing, sheets (includes plates), gutters, down spouts, bars, bare wire or cable, insulated wire or cable, and aluminum/copper coil used in air conditioning and refrigeration.

"Scrap" means any secondhand or used metal except those used motor vehicle parts provided in chapter 289.

"Scrap dealer" means any person engaged in the business of buying, selling, or dealing in scrap, or any person operating, carrying on, conducting, or maintaining a scrap yard.

"Scrap yard" means any yard, plot, space, enclosure, building, or any other place where scrap is collected, stored, gathered together, and kept. [L 1976, c 230, pt of §2; am L 2007, c 197, §§1, 7; am L 2008, c 16, §20 and c 53, §§2, 6; am L 2009, c 44, §§1, 2]

[http://www.capitol.hawaii.gov/hrscurrent/Vol10\\_Ch0436-0474/HRS0445/HRS\\_0445-0231.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol10_Ch0436-0474/HRS0445/HRS_0445-0231.htm)



[§708-835.7] Theft of copper. (1) A person commits the offense of theft of copper if the person commits theft of copper that weighs a pound or more, but not including legal tender of the United States.

(2) Theft of copper is a class C felony. [L 2007, c 197, §§2, 7; am L 2009, c 44, §1]

#### Cross References

Scrap dealer requirements, see chapter 445, pt X.

#### COMMENTARY ON §708-835.7

Act 197, Session Laws 2007, established theft of copper as a felony offense, to deter the theft of copper. The offense applies to copper weighing a pound or more. Act 197 has a sunset date of July 1, 2009. Conference Committee Report No. 70.

Act 44, Session Laws 2009, made permanent the offense of theft of copper, as well as the documentation requirements for the sale of copper to scrap metal dealers and related penalties. The legislature found that the prohibitions, record-keeping requirements, and penalties in the current law had proven effective at deterring the theft of copper and should be made permanent. Senate Standing Committee Report No. 1240.

[http://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0708/HRS\\_0708-0835\\_0007.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708/HRS_0708-0835_0007.htm)

[§708-835.8] 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. [L 2008, c 53, §§1, 6; am L 2009, c 44, §2]

#### Cross References

Scrap dealer requirements, see chapter 445, pt X.

#### COMMENTARY ON §708-835.8

Act 53, Session Laws 2008, added this section, establishing the misdemeanor offense of theft of a beer keg. Metal beer kegs were being stolen at escalating rates, largely because they can be redeemed for fast cash at scrap dealerships. House Standing Committee Report Nos. 1113-08 and 1671-08.

Act 44, Session Laws 2009, made permanent the prohibition against stealing beer kegs and the documentation requirements for scrap metal dealers. The legislature found that the prohibitions, record-keeping requirements, and penalties in the current law had proven effective at deterring the theft of beer kegs and should be made permanent. Senate Standing Committee Report No. 1240.

[http://www.capitol.hawaii.gov/hrscurrent/Vol14\\_Ch0701-0853/HRS0708/HRS\\_0708-0835\\_0008.htm](http://www.capitol.hawaii.gov/hrscurrent/Vol14_Ch0701-0853/HRS0708/HRS_0708-0835_0008.htm)



## PART VII. SECONDHAND DEALERS

### Note

Sections 445-171 and 445-172 designated as Part VII by L 1990, c 164, §28.

Assessment under §26H-4 removed. L 1992, c 232, §1.

### Cross References

Pawnbrokers and secondhand dealers, see chapter 486M.

§445-171 Fee, conditions. The treasurer may grant licenses to suitable persons to be dealers and traders in secondhand articles, and may revoke such licenses for cause satisfactory to the treasurer. The licensees shall pay to the treasurer an annual fee of \$10.

Every license granted under this section shall designate the place where the business is carried on and shall continue for one year unless sooner revoked. Every dealer shall keep a book in which shall be written a description of every article received, the name, residence, and a general description of the person from whom, and the time and hour when the article was received. The book, the place where the business is carried on, and the articles of property therein, may be examined at any time by the treasurer, the chief of police, or by any person presenting to such dealer a written authorization so to do from the treasurer or chief of police. [L 1905, c 31, §1; am L 1911, c 54, §1; RL 1925, §2091; am L 1932 1st, c 1, pt of §1; am L 1932 2d, c 66, §13; RL 1935, §2509; RL 1945, §7113; RL 1955, §155-93; HRS §445-171; gen ch 1985]

### Cross References

Used motor vehicles parts and accessories, see chapter 289.

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