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## A BILL FOR AN ACT

RELATING TO THEFT.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 708-831, Hawaii Revised Statutes, is  
2 amended to read as follows:

3           "**§708-831 Theft in the second degree.** (1) A person  
4 commits the offense of theft in the second degree if the person  
5 commits theft:

6           (a) Of property from the person of another;

7           (b) Of property or services the value of which exceeds  
8           \$300;

9           (c) Of three or more items of mail belonging to three or  
10 more unrelated persons in the same or separate  
11 incident as part of a common scheme or plan;

12           [~~(e)~~] (d) Of an aquacultural product or part thereof from  
13 premises that is fenced or enclosed in a manner  
14 designed to exclude intruders or there is prominently  
15 displayed on the premises a sign or signs sufficient  
16 to give notice and reading as follows: "Private  
17 Property"; or



1       ~~[(d)]~~ (e) Of agricultural equipment, supplies, or products,  
2           or part thereof, the value of which exceeds \$100 but  
3           does not exceed \$20,000, or of agricultural products  
4           that exceed twenty-five pounds, from premises that are  
5           fenced, enclosed, or secured in a manner designed to  
6           exclude intruders or there is prominently displayed on  
7           the premises a sign or signs sufficient to give notice  
8           and reading as follows: "Private [~~Property.~~"]  
9           Property". The sign or signs, containing letters not  
10          less than two inches in height, shall be placed along  
11          the boundary line of the land in a manner and in such  
12          position as to be clearly noticeable from outside the  
13          boundary line. Possession of agricultural products  
14          without ownership and movement certificates, when a  
15          certificate is required pursuant to chapter 145, is  
16          prima facie evidence that the products are or have  
17          been stolen.

18          (2) Theft in the second degree is a class C felony. A  
19          person convicted of committing the offense of theft in the  
20          second degree under ~~[+] subsection [(1)](c) and (d)]~~ (1)(d) or  
21          (e) shall be sentenced in accordance with chapter 706, except  
22          that for the first offense, the court may impose a minimum



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1 sentence of a fine of at least \$1,000 or [~~two-fold~~] twofold  
2 damages sustained by the victim, whichever is greater."

3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun, before its effective date.

6 SECTION 3. Statutory material to be repealed is bracketed  
7 and stricken. New statutory material is underscored.

8 SECTION 4. This Act shall take effect upon approval.

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INTRODUCED BY:

*Buck Allen*  
*Tommy Watkins*  
*[Signature]*

JAN 18 2007



**Report Title:**

Theft; Felony

**Description:**

Provides that an individual caught with stolen mail belonging to three or more persons in the same or separate incident as part of a common scheme or plan commits second degree theft.

