
A BILL FOR AN ACT

RELATING TO CRIME.

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

1 SECTION 1. Section 708-800, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Infrastructure" means the facilities, improvements, and
5 installations provided by the government for the functioning of
6 a community or owned or controlled by the government, such as
7 public institutions, including schools, libraries, and prisons."

8 SECTION 2. Section 708-820, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of criminal property
11 damage in the first degree if by means other than fire:

12 (a) The person intentionally or knowingly damages property
13 and thereby recklessly places another person in danger
14 of death or bodily injury;

15 (b) The person intentionally or knowingly damages the
16 property of another, without the other's consent, in
17 an amount exceeding \$20,000;



1 (c) The person intentionally or knowingly damages the
 2 property of another during the time of a civil defense
 3 emergency proclaimed by the governor pursuant to
 4 chapter 128, within the area covered by the civil
 5 defense emergency or during the period of disaster
 6 relief under chapter 127; ~~[or]~~

7 ~~[+]~~ (d) ~~[+]~~ The person intentionally or knowingly damages the
 8 agricultural equipment, supplies, or products or
 9 aquacultural equipment, supplies, or products of
 10 another, including trees, bushes, or any other plant
 11 and livestock of another, without the other's consent,
 12 in an amount exceeding \$1,500. In calculating the
 13 value of damage, the value of future crops that were
 14 damaged is included~~[-]~~; or

15 (e) The person intentionally or knowingly damages or
 16 vandalizes government property or infrastructure,
 17 without the government's consent, in an amount
 18 exceeding \$10,000."

19 SECTION 3. Section 708-821, Hawaii Revised Statutes, is
 20 amended by amending subsection (1) to read as follows:

21 "(1) A person commits the offense of criminal property
 22 damage in the second degree if by means other than fire:



- 1 (a) The person intentionally or knowingly damages the
2 property of another, without the other's consent, by
3 the use of widely dangerous means;
- 4 (b) The person intentionally or knowingly damages the
5 property of another, without the other's consent, in
6 an amount exceeding \$1,500; [~~or~~]
- 7 (c) The person intentionally or knowingly damages the
8 agricultural equipment, supplies, or products or
9 aquacultural equipment, supplies, or products of
10 another, including trees, bushes, or any other plant
11 and livestock of another, without the other's consent,
12 in an amount exceeding \$500. In calculating the value
13 of damage, the value of future crops that were damaged
14 is included[~~-~~]; or
- 15 (d) The person intentionally or knowingly damages or
16 vandalizes government property or infrastructure,
17 without the government's consent, in an amount that
18 exceeds \$5,000 but does not exceed \$10,000."

19 SECTION 4. Section 708-822, Hawaii Revised Statutes, is
20 amended by amending subsection (1) to read as follows:

21 "(1) A person commits the offense of criminal property
22 damage in the third degree if by means other than fire:



- 1 (a) The person recklessly damages the property of another,
2 without the other's consent, by the use of widely
3 dangerous means;
- 4 (b) The person intentionally or knowingly damages the
5 property of another, without the other's consent, in
6 an amount exceeding \$500; [~~or~~]
- 7 (c) The person intentionally damages the agricultural
8 equipment, supplies, or products or aquacultural
9 equipment, supplies, or products of another, including
10 trees, bushes, or any other plant and livestock of
11 another, without the other's consent, in an amount
12 exceeding \$100. In calculating the value of damage,
13 the value of future crops that were damaged is
14 included[-]; or
- 15 (d) The person intentionally or knowingly damages or
16 vandalizes government property or infrastructure,
17 without the government's consent, in an amount that
18 exceeds \$1,000 but does not exceed \$5,000."

19 SECTION 5. Section 708-823, Hawaii Revised Statutes, is
20 amended by amending subsection (1) to read as follows:

21 "(1) A person commits the offense of criminal property
22 damage in the fourth degree if by means other than fire[~~, the~~



1 ~~person intentionally or knowingly damages the property of~~
2 ~~another without the other's consent.]:~~

3 (a) The person intentionally or knowingly damages the
4 property of another without the other's consent; or

5 (b) The person intentionally or knowingly damages or
6 vandalizes government property or infrastructure of
7 any amount not in excess of \$1,000."

8 SECTION 6. Section 708-830.5, Hawaii Revised Statutes, is
9 amended by amending subsection (1) to read as follows:

10 "(1) A person commits the offense of theft in the first
11 degree if the person commits theft:

12 (a) Of property or services, the value of which exceeds
13 \$20,000;

14 (b) Of a firearm;

15 (c) Of dynamite or other explosive; [~~e~~]

16 (d) Of property or services during the time of a civil
17 defense emergency proclaimed by the governor pursuant
18 to chapter 128, within the area covered by the civil
19 defense emergency or during the period of disaster
20 relief under chapter 127, the value of which exceeds
21 \$300[~~-~~]; or



1 (e) Of government property, services, or infrastructure,
2 the value of which exceeds \$10,000."

3 SECTION 7. Section 708-831, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of theft in the second
6 degree if the person commits theft:

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

8 (b) Of property or services the value of which exceeds
9 \$300;

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

16 (d) Of agricultural equipment, supplies, or products, or
17 part thereof, the value of which exceeds \$100 but does
18 not exceed \$20,000, or of agricultural products that
19 exceed twenty-five pounds, from premises that are
20 fenced, enclosed, or secured in a manner designed to
21 exclude intruders or there is prominently displayed on
22 the premises a sign or signs sufficient to give notice



1 and reading as follows: "Private Property." The sign
2 or signs, containing letters not less than two inches
3 in height, shall be placed along the boundary line of
4 the land in a manner and in such position as to be
5 clearly noticeable from outside the boundary line.

6 Possession of agricultural products without ownership
7 and movement certificates, when a certificate is
8 required pursuant to chapter 145, is prima facie
9 evidence that the products are or have been stolen[-];
10 or

11 (e) Of government property, services, or infrastructure,
12 the value of which exceeds \$5,000 but does not exceed
13 \$10,000."

14 SECTION 8. Section 708-832, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of theft in the third
17 degree if the person commits theft:

18 (a) Of property or services the value of which exceeds
19 \$100; [~~or~~]

20 (b) Of gasoline, diesel fuel, or other related petroleum
21 products used as propellants of any value not
22 exceeding \$300[-]; or



1 (c) Of government property, services, or infrastructure,
 2 the value of which exceeds \$1,000 but does not exceed
 3 \$5,000."

4 SECTION 9. Section 708-833, Hawaii Revised Statutes, is
 5 amended by amending subsection (1) to read as follows:

6 "(1) A person commits the offense of theft in the fourth
 7 degree if the person commits theft [~~of property or services of~~
 8 ~~any value not in excess of \$100.~~]:

9 (a) Of property or services of any value not in excess of
 10 \$100; or

11 (b) Of government property, services, or infrastructure of
 12 any value not in excess of \$1,000."

13 SECTION 10. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

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

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INTRODUCED BY:

[Handwritten signatures and names of legislators]
 Tom Brown
 Della G. Belath
 John M. Magaro
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 [Other illegible signatures]



Ka A

Karen Awaner

JAN 19 2007

Report Title:

Theft; Criminal property damage

Description:

Amends the offenses of theft in the first, second, third, and fourth degree to include the theft of government property, services, and infrastructure. Amends the offenses of criminal property damage in the first, second, third, and fourth degree to include the damage or vandalism of government property and infrastructure.

