JAN 21 2011

## A BILL FOR AN ACT

RELATING TO THEFT.

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

1	SECTION 1. Section 706-620, Hawaii Revised Statutes, is
2	amended to read as follows:
3	"§706-620 Authority to withhold sentence of imprisonment.
4	A defendant who has been convicted of a crime may be sentenced
5	to a term of probation unless:
6	(1) The crime is first or second degree murder or
7	attempted first or second degree murder;
8	(2) The crime is a class A felony, except class A felonies
9	defined in chapter 712, part IV, and by section 707-
10	702;
11	(3) The defendant is a repeat offender under section 706-
12	606.5;
13	(4) The defendant is a felony firearm offender as defined
14	in section $706-660.1(2)$ ; [ $\Theta$ r]
15	(5) The crime involved the death of or the infliction of
16	serious or substantial bodily injury upon a child, an
17	elder person, or a handicapped person under section
18	706-660.2[-]; or

# S.B. NO. 1024

1	(6) The defendant commits theft of property, the total
2	value of which exceeds \$100,000."
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 Statutory material to be repealed is bracketed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 its approval.
9	
	INTRODUCED BY:
	Ry Reguest

### Report Title:

Property Theft; Probation

#### Description:

Establishes that a person convicted of property theft over \$100,000 may not be sentenced to probation.

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