
A BILL FOR AN ACT

RELATING TO AGRICULTURAL THEFT.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§708- Theft; agricultural product; sentencing. (1)
5 Whenever a person is sentenced under sections 708-830.5, 708-
6 831, 708-832, or 708-833, for an offense involving theft of an
7 agricultural product or commodity, in addition to any penalty
8 prescribed by those sections, the person shall be required to
9 make payment to the property owner for:

10 (a) The value of the stolen agricultural product or
11 commodity, pursuant to section 706-646; and

12 (b) The cost of replanting the agricultural product or
13 commodity.

14 (2) For purposes of this section, "agricultural product or
15 commodity" includes:

16 (a) Floricultural, horticultural, viticultural,
17 aquacultural, forestry products or commodities; and



1 (b) Shrubbery, nuts, coffee, seeds, and other farm or
2 plantation products or commodities,
3 whether for personal or commercial use."

4 SECTION 2. Section 145-23, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "**§145-23 Lack of proof of ownership as a violation.** The
7 failure of any person who sells, transports, or possesses after
8 sale or transport, agricultural commodities to maintain a
9 certificate of ownership or other written proof of ownership of
10 the agricultural commodity, as described in section 145-22, is a
11 violation of this part[-] and subject to prosecution under
12 section 708-831(1)(e)."

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

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

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

18 (b) Of property or services the value of which exceeds
19 \$300;

20 (c) Of an aquacultural product or part thereof from
21 premises that is fenced or enclosed in a manner
22 designed to exclude intruders or there is prominently



1 displayed on the premises a sign or signs sufficient
2 to give notice and reading as follows: "Private
3 Property"; [ex]

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

21 (e) Of agricultural commodities marketed for commercial
22 purposes and for which the person has failed to



1 maintain a certificate of ownership as required
2 pursuant to section 145-22."

3 SECTION 4. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 5. This Act shall take effect on July 1, 2012.



Report Title:

Agricultural Theft; Possession; Prima Facie Evidence

Description:

Requires those sentenced for agricultural theft to provide restitution to the victim. Includes in the offense of theft in the second degree the failure to maintain required certificates while in possession of agricultural commodities. (SD1)

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