

JAN 19 2018

A BILL FOR AN ACT

RELATING TO THEFT.

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

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

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

5 (a) Of property or services, in reckless disregard of the
6 risk that the value of [which] the property or
7 services exceeds \$20,000;

8 (b) Of a firearm;

9 (c) Of dynamite or other explosive; or

10 (d) Of property or services during an emergency period
11 proclaimed by the governor or mayor pursuant to
12 chapter 127A, within the area covered by the emergency
13 or disaster under chapter 127A, the value of which
14 exceeds \$300."

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



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

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

5 (b) Of property or services in reckless disregard of the
6 risk that the value of ~~[which]~~ the property or
7 services exceeds \$750;

8 (c) Of an aquacultural product or part thereof from
9 premises that are fenced or enclosed in a manner
10 designed to exclude intruders or there is prominently
11 displayed on the premises a sign or signs sufficient
12 to give notice and reading as follows: "Private
13 Property", "No Trespassing", or a substantially
14 similar message;

15 (d) Of agricultural equipment, supplies, or products, or
16 part thereof, in reckless disregard of the risk that
17 the value of ~~[which]~~ the equipment, supplies, or
18 products exceeds \$100 but does not exceed \$20,000, or
19 of agricultural products that exceed twenty-five
20 pounds, from premises that are fenced, enclosed, or
21 secured in a manner designed to exclude intruders or



1 there is prominently displayed on the premises a sign
2 or signs sufficient to give notice and reading as
3 follows: "Private Property", "No Trespassing", or a
4 substantially similar message; or if at the point of
5 entry of the premise, a crop is visible. The sign or
6 signs, containing letters not less than two inches in
7 height, shall be placed along the boundary line of the
8 land in a manner and in such a position as to be
9 clearly noticeable from outside the boundary line.

10 Possession of agricultural products without ownership
11 and movement certificates, when a certificate is
12 required pursuant to chapter 145, is prima facie
13 evidence that the products are or have been stolen; or

14 (e) Of agricultural commodities that are generally known
15 to be marketed for commercial purposes. Possession of
16 agricultural commodities without ownership and
17 movement certificates, when a certificate is required
18 pursuant to section 145-22, is prima facie evidence
19 that the products are or have been stolen; provided
20 that "agriculture commodities" has the same meaning as
21 in section 145-21.



1 (2) Theft in the second degree is a class C felony. A
2 person convicted of committing the offense of theft in the
3 second degree under [†]subsection (1) [†](c) and (d) shall be
4 sentenced in accordance with chapter 706, except that for the
5 first offense, the court may impose a minimum sentence of a fine
6 of at least \$1,000 or two-fold damages sustained by the victim,
7 whichever is greater."

8 SECTION 3. Section 708-832, 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 third
11 degree if the person commits theft:

12 (a) Of property or services in reckless disregard of the
13 risk that the value of ~~[which]~~ the property or
14 services exceeds \$250; or

15 (b) Of gasoline, diesel fuel, or other related petroleum
16 products used as propellants of any value not
17 exceeding \$750."

18 SECTION 4. This Act does not affect rights and duties that
19 matured, penalties that were incurred, and proceedings that were
20 begun before its effective date.



S.B. NO. 2552

1 SECTION 5. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 6. This Act shall take effect upon its approval.
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INTRODUCED BY: ~~SEN. D.C. RICH-AGNE~~

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S.B. NO. 2552

Report Title:

Theft; Reckless Disregard of Risk

Description:

Amends the offense of theft in the first degree, second degree, and third degree to include reckless disregard of risk for the value of the stolen property or services.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

