
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 of:

6 (a) Property from the person of another;

7 (b) Property or services the value of which exceeds \$750;

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

14 (d) Agricultural equipment, supplies, or products, or part
15 thereof, the value of which exceeds \$100 but does not
16 exceed \$20,000, or of agricultural products that
17 exceed twenty-five pounds, from premises that are



1 fenced, enclosed, or secured in a manner designed to
2 exclude intruders or where there is prominently
3 displayed on the premises a sign or signs sufficient
4 to give notice and reading as follows: "Private
5 Property", "No Trespassing", or a substantially
6 similar message; or if at the point of entry of the
7 premises, a crop is visible. The sign or signs,
8 containing letters no less than two inches in height,
9 shall be placed along the boundary line of the land in
10 a manner and in such a position as to be clearly
11 noticeable from outside the boundary line. Possession
12 of agricultural products without ownership and
13 movement certificates, when a certificate is required
14 pursuant to chapter 145, is prima facie evidence that
15 the products are or have been stolen;

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



1 that "agricultural commodities" has the same meaning
2 as in section 145-21;

3 (f) Property commonly used to store items of monetary
4 value, including but not limited to any purse,
5 handbag, or wallet;

6 (g) Property or services, the value of which exceeds \$250,
7 from a person who is sixty years of age or older and
8 the age of the property owner is known or reasonably
9 should be known to the person who commits theft; or

10 (h) An electric gun as defined in section 134-81.

11 (2) Notwithstanding subsection (1)(b), a person who
12 commits theft of property or services, the value of which does
13 not exceed \$750, commits theft in the second degree if the
14 person was convicted two or more times for any theft offenses in
15 the five years prior to the current offense.

16 [+2+] (3) Theft in the second degree is a class C felony.
17 A person convicted of committing the offense of theft in the
18 second degree under subsection (1)(c) and (d) shall be sentenced
19 in accordance with chapter 706, except that for the first
20 offense, the court may impose a minimum sentence of a fine of at



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1 least \$1,000 or two-fold damages sustained by the victim,
2 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 its approval.

9

INTRODUCED BY:



JAN 17 2025



H.B. NO. 523

Report Title:

Small Business Caucus Package; Penal Code; Theft; Penalties

Description:

Provides that a person who commits theft of property or services the value of which does not exceed \$750, commits theft in the second degree if the person was convicted two or more times for any theft offenses in the five years prior to the current offense.

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