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## 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



# H.B. NO. 523

1 least \$1,000 or two-fold damages sustained by the victim,  
2 whichever is greater."

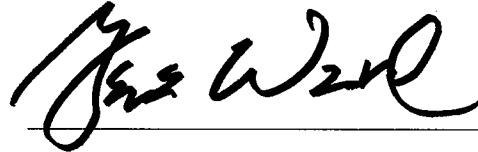
3 SECTION 2. This Act does not affect rights and duties that  
4 matured, penalties that were incurred, and proceedings that were  
5 begun before its effective date.

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.

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

