

A BILL FOR AN ACT

RELATING TO PENALTIES.

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

1 SECTION 1. The legislature finds that Hawaii ranks fifth
2 among states for the highest average total value of stolen goods
3 per resident. Many theft victims are small businesses, which
4 comprise ninety-nine per cent of the business landscape in the
5 islands. The Honolulu police department confirmed that between
6 October 2023 and January 2024, there were about eighty
7 smash-and-grab burglaries on the island of Oahu.

8 Recent crime data in California reported a steady increase
9 in shoplifting between 2021 and 2022, and the state responded by
10 adopting a measure increasing penalties for certain types of
11 theft and burglary. The legislature believes that Hawaii should
12 follow suit to deter the perpetrators of these crimes.

13 Accordingly, the purpose of this Act is to:

14 (1) Establish enhanced terms of imprisonment for burglary
15 and theft offenses, which shall apply when the value
16 of the property exceeds certain dollar amounts;



- 1 (2) Increase penalties for habitual property crime
- 2 offenders; and
- 3 (3) Target fencing operations by establishing the selling
- 4 of stolen property as a theft offense.

5 SECTION 2. Chapter 706, Hawaii Revised Statutes, is
6 amended by adding a new section to part IV to be appropriately
7 designated and to read as follows:

8 "§706- Enhanced sentence of imprisonment for burglary

9 or theft. Notwithstanding any law to the contrary, a person who

10 has been convicted of an offense under part II or IV of chapter

11 708, in addition and consecutive to any term of imprisonment

12 established by law for that conviction, shall be sentenced to a

13 term of imprisonment of:

14 (1) Two years, if the value of the property exceeds
15 \$50,000 but does not exceed \$200,000;
16 (2) Four years, if the value of the property exceeds
17 \$200,000 but does not exceed \$1,000,000;
18 (3) Six years, if the value of the property exceeds
19 \$1,000,000 but does not exceed \$3,000,000; or
20 (4) Eight years, if the value of the property exceeds
21 \$3,000,000 but does not exceed \$6,000,000;



1 provided that if the value of the property exceeds \$6,000,000,
2 the person shall also be sentenced to one additional year of
3 imprisonment for each increment of \$3,000,000 of value above
4 \$6,000,000."

5 SECTION 3. Section 663A-1, Hawaii Revised Statutes, is
6 amended by amending the definition of "shoplifting" to read as
7 follows:

8 ""Shoplifting" means the specific type of theft offense
9 [defined] described in section [708-830(8).] 708-830(9)."

10 SECTION 4. Section 708-803, Hawaii Revised Statutes, is
11 amended by amending subsections (4) and (5) to read as follows:

12 "(4) Habitual property crime is a class [E] (B) felony.

13 (5) For a conviction under this section, the sentence
14 shall be either:

15 (a) An indeterminate term of imprisonment of [five] ten
16 years; provided that the minimum term of imprisonment
17 shall be not less than [one year,] five years; or

18 (b) A term of probation of [five] ten years, with
19 conditions to include but not be limited to [one year]
20 five years of imprisonment; provided that probation



1 shall only be available for a first conviction under
2 this section."

3 SECTION 5. Section 708-830, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§708-830 Theft.** A person commits theft if the person
6 does any of the following:

7 (1) Obtains or exerts unauthorized control over property.
8 A person obtains or exerts unauthorized control over
9 the property of another with intent to deprive the
10 other of the property.

11 (2) Property obtained or control exerted through
12 deception. A person obtains, or exerts control over,
13 the property of another by deception with intent to
14 deprive the other of the property.

15 (3) Appropriation of property. A person obtains, or
16 exerts control over, the property of another that the
17 person knows to have been lost or mislaid or to have
18 been delivered under a mistake as to the nature or
19 amount of the property, the identity of the recipient,
20 or other facts, and, with the intent to deprive the



1 owner of the property, the person fails to take
2 reasonable measures to discover and notify the owner.

3 (4) Obtaining services by deception. A person
4 intentionally obtains services, known by the person to
5 be available only for compensation, by deception,
6 false token, or other means to avoid payment for the
7 services. When compensation for services is
8 ordinarily paid immediately upon the rendering of
9 them, absconding without payment or offer to pay is
10 prima facie evidence that the services were obtained
11 by deception.

12 (5) Diversion of services. Having control over the
13 disposition of services of another to which a person
14 is not entitled, the person intentionally diverts
15 those services to the person's own benefit or to the
16 benefit of a person not entitled thereto.

17 (6) Failure to make required disposition of funds.
18 (a) A person intentionally obtains property from
19 anyone upon an agreement, or subject to a known
20 legal obligation, to make specified payment or
21 other disposition, whether from the property or



1 its proceeds or from the person's own property
2 reserved in equivalent amount, and deals with the
3 property as the person's own and fails to make
4 the required payment or disposition. It does not
5 matter that it is impossible to identify
6 particular property as belonging to the victim at
7 the time of the defendant's failure to make the
8 required payment or disposition. A person's
9 status as an officer or employee of the
10 government or a financial institution is prima
11 facie evidence that the person knows the person's
12 legal obligations with respect to making payments
13 and other dispositions. If the officer or
14 employee fails to pay or account upon lawful
15 demand, or if an audit reveals a falsification of
16 accounts, it shall be prima facie evidence that
17 the officer or employee has intentionally dealt
18 with the property as the officer's or employee's
19 own.

20 (b) A person obtains personal services from an
21 employee upon agreement or subject to a known



1 legal obligation to make a payment or other
2 disposition of funds to a third person on account
3 of the employment, and the person intentionally
4 fails to make the payment or disposition at the
5 proper time.

6 (7) Receiving stolen property. A person intentionally
7 receives, retains, or disposes of the property of
8 another, knowing that it has been stolen, with intent
9 to deprive the owner of the property. It is prima
10 facie evidence that a person knows the property to
11 have been stolen if, being a dealer in property of the
12 sort received, the person acquires the property for a
13 consideration that the person knows is far below its
14 reasonable value.

15 (8) Selling stolen property. A person intentionally
16 sells, attempts to sell, returns for value, barters,
17 exchanges, or conceals or stores for the purpose of
18 selling, the property of another, knowing it has been
19 previously stolen, with the intent to deprive the
20 owner of the property. It is prima facie evidence
21 that a person knows the property to have been stolen



1 if, being a dealer in property of the sort sold, the
2 person sells or attempts to sell the property at a
3 rate that is far below its reasonable value.

4 [+8] (9) Shoplifting.

5 (a) A person conceals or takes possession of the
6 goods or merchandise of any store or retail
7 establishment, with intent to defraud.

8 (b) A person alters the price tag or other price
9 marking on goods or merchandise of any store or
10 retail establishment, with intent to defraud.

11 (c) A person transfers the goods or merchandise of
12 any store or retail establishment from one
13 container to another, with intent to defraud.

14 The unaltered price or name tag or other marking on
15 goods or merchandise, duly identified photographs or
16 photocopies thereof, or printed register receipts
17 shall be *prima facie* evidence of value and ownership
18 of such goods or merchandise. Photographs of the
19 goods or merchandise involved, duly identified in
20 writing by the arresting police officer as accurately
21 representing such goods or merchandise, shall be



5 SECTION 6. This Act does not affect rights and duties that
6 matured, penalties that were incurred, and proceedings that were
7 begun before its effective date.

8 SECTION 7. Statutory material to be repealed is bracketed
9 and stricken. New statutory material is underscored.

10 SECTION 8. This Act shall take effect upon its approval.

11 INTRODUCED BY: Kanari Sege
JAN 23 2026



H.B. NO. 1914

Report Title:

Penal Code; Burglary; Theft; Penalties; Sentencing; Smash and Grab

Description:

Establishes enhanced terms of imprisonment for burglary and theft offenses, which shall apply when the value of the property exceeds certain dollar amounts. Increase penalties for habitual property crime offenders. Establishes the selling of stolen property as a theft offense.

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

