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# 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;



(2) Increase penalties for habitual property crime offenders; and

(3) Target fencing operations by establishing the selling of stolen property as a theft offense.

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

**"§706- Enhanced sentence of imprisonment for burglary or theft.** Notwithstanding any law to the contrary, a person who has been convicted of an offense under part II or IV of chapter 708, in addition and consecutive to any term of imprisonment established by law for that conviction, shall be sentenced to a term of imprisonment of:

(1) Two years, if the value of the property exceeds \$50,000 but does not exceed \$200,000;

(2) Four years, if the value of the property exceeds \$200,000 but does not exceed \$1,000,000;

(3) Six years, if the value of the property exceeds \$1,000,000 but does not exceed \$3,000,000; or

(4) Eight years, if the value of the property exceeds \$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 ~~[C]~~ (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, barter,  
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





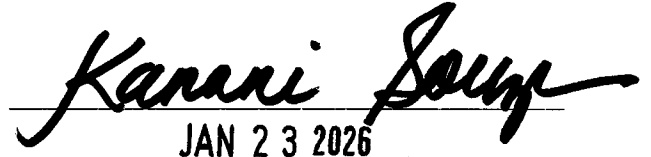
1           deemed competent evidence of the goods or merchandise  
2           involved and shall be admissible in any proceedings,  
3           hearings, and trials for shoplifting to the same  
4           extent as the goods or merchandise themselves."

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:

  
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.*

