

H.B. NO. 252

A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. The purpose of this Act is to require a
2 mandatory twelve-month minimum sentence of incarceration for a
3 conviction of theft in the first degree when the value of the
4 property or services stolen exceeds \$250,000, whether imposed as
5 a mandatory minimum sentence for an indeterminate term of
6 imprisonment or as a condition of probation, in addition to any
7 other authorized disposition such as restitution or a fine.

8 SECTION 2. Section 708-830.5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"708-830.5 Theft in the first degree.** (1) A person
11 commits the offense of theft in the first degree if the person
12 commits theft of:
13 (a) Property or services, the value of which exceeds
14 \$20,000;
15 (b) A firearm;
16 (c) Dynamite or other explosive;
17 (d) Property or services during an emergency period
18 proclaimed by the governor or mayor pursuant to

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1 chapter 127A, within the area covered by the emergency
2 or disaster under chapter 127A, the value of which
3 exceeds \$300;

4 (e) Property from the person of another who is sixty years
5 of age or older and the age of the property owner is
6 known or reasonably should be known to the person who
7 commits theft;

8 (f) Property or services, the value of which exceeds \$750,
9 from a person who is sixty years of age or older and
10 the age of the property owner is known or reasonably

12 (g) A motor vehicle or motorcycle as defined in section
13 291C-1.

14 (2) Theft in the first degree [is] shall be a class B
15 felony.

(3) In addition to any other authorized disposition, for a conviction under this section where the value of the property or services exceeds \$250,000, the sentence shall be either:

19 (a) An indeterminate term of imprisonment of ten years;
20 provided that the minimum term of imprisonment shall
21 be not less than twelve months; or

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1 (b) A term of probation or supervision of four years, a
2 condition of which shall include, but not be limited
3 to, a mandatory minimum of twelve months of
4 imprisonment. Notwithstanding any other law to the
5 contrary, the mandatory period of imprisonment shall
6 not be suspended or otherwise not imposed.

7 SECTION 3. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun before its effective date.

10 SECTION 4. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

12 SECTION 5. This Act shall take effect upon its approval.

13
14 INTRODUCED BY: Nadine K. Nahm
15 BY REQUEST
 JAN 26 2026

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Report Title:

Penal Code; Theft in the First Degree; Penalty

Description:

Requires a mandatory twelve-month minimum sentence of incarceration for a conviction of theft in the first degree when the value of the property or services stolen exceeds \$250,000, whether imposed as a mandatory minimum sentence for an indeterminate term of imprisonment or as a condition of probation, in addition to any other authorized disposition such as restitution or a fine.

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

JUSTIFICATION SHEET

DEPARTMENT: Attorney General

TITLE: A BILL FOR AN ACT RELATING TO THEFT.

PURPOSE: To require a mandatory twelve-month minimum sentence of incarceration for a conviction of theft in the first degree when the value of the property or services stolen exceeds \$250,000, whether imposed as a mandatory minimum sentence for an indeterminate term of imprisonment or as a condition of probation, in addition to any other authorized disposition such as restitution or a fine.

MEANS: Amend section 708-830.5, Hawaii Revised Statutes (HRS).

JUSTIFICATION: Under current law, theft of property or services exceeding \$20,000 in value is treated the same whether the amount taken is slightly above the threshold or hundreds of thousands of dollars more than the threshold. Therefore, even in cases involving exceptionally large losses, courts may still impose only probation, restitution, and fines.

Thefts that exceed \$250,000 are rarely impulsive. This conduct typically results from prolonged, repeated, acts involving concealment, and profound exploitation.

State v. Nitta, No. 1CPC-23-000268 (Haw. 1st Cir. Ct. 2023), is one example of this. Nitta served as the Athletic Director for Mililani High School and President of the Mililani High School Athletic Booster Club for twenty years. Nitta ultimately pled no contest to multiple theft and tax offenses involving \$406,000 stolen from the school's booster club. Despite the prosecution's argument for incarceration, Nitta was placed on probation for four years, ordered to repay the \$406,000 in restitution, and

ordered to pay a \$155,000 fine. He was not ordered to serve any jail time.

The outcome in the *Nitta* case exposes a fundamental inequity in the current theft laws. A white-collar offender who steals hundreds of thousands of dollars may be able to avoid incarceration by reimbursing the victim, while under section 708-803, HRS, (Habitual Property Crime), a petty thief without resources, if convicted three or more times for far lower-value thefts, faces a mandatory minimum period of incarceration of not less than twelve months regardless of the total value of the property stolen. This disparity undermines public confidence in the justice system and sends the wrong message about the significance of large-scale white-collar theft.

The bill addresses this inequity by requiring a minimum twelve-month term of incarceration for theft of property or services exceeding \$250,000, in addition to any restitution or fines. By establishing this baseline sentencing for high-value thefts, the bill will enhance deterrence, promote fairness, and better reflect the gravity of the harm inflicted on victims.

Impact on the public: This bill ensures that thefts involving very large dollar amounts result in a period of incarceration. A period of incarceration will strengthen general and specific deterrence and may be used as a part of plea negotiations to obtain restitution for the victim.

Impact on the department and other agencies: This bill will enhance the department's ability to prosecute white-collar offenses, complementing its recent efforts to investigate and prosecute such cases. County prosecutor offices would benefit similarly.

GENERAL FUND: None.

OTHER FUNDS: None.

PPBS PROGRAM
DESIGNATION: None.

OTHER AFFECTED
AGENCIES: The county police departments, the
prosecutors' offices, the Department of Law
Enforcement, the Department of Corrections
and Rehabilitation.

EFFECTIVE DATE: Upon approval.