

JAN 28 2026

A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. The legislature finds that the State's theft
2 statutes currently require proof of a culpable mental state as
3 to the value of stolen property when value determines the grade
4 of the offense, a requirement that is inconsistent with the
5 approach taken in the Model Penal Code and the majority of
6 jurisdictions nationwide. The legislature further finds that
7 this minority-rule framework has resulted in unnecessary
8 complexity and litigation, without materially advancing public
9 safety or proportionality.

10 The legislature also finds that the monetary thresholds
11 used to distinguish between degrees of theft have not kept pace
12 with inflation. As a result, conduct that historically
13 constituted lower-level theft offenses is increasingly
14 classified as more serious crimes based solely on nominal dollar
15 amounts. Adjusting these thresholds to reflect inflation
16 promotes fairness, proportionality, and consistency in
17 enforcement.



Accordingly, the purpose of this Act is to:

(1) Clarify that value is a grading factor for theft offenses that does not require proof of a culpable mental state; and

(2) Update theft threshold amounts to reflect inflation.

SECTION 2. Section 708-801, Hawaii Revised Statutes, is amended to read as follows:

"§708-801 Valuation of property or services. Whenever the value of property or services is determinative of the class or grade of an offense, or otherwise relevant to a prosecution, the following shall apply:

(1) Except as otherwise specified in this section, value means the market value of the property or services at the time and place of the offense, or the replacement cost if the market value of the property or services cannot be determined.

(2) Whether or not they have been issued or delivered, certain written instruments, not including those having a readily ascertained market value, shall be evaluated as follows:



1 (a) The value of an instrument constituting an
2 evidence of debt, such as a check, traveler's
3 check, draft, or promissory note, shall be deemed
4 the amount due or collectible thereon or thereby,
5 that figure ordinarily being the face amount of
6 the indebtedness less any portion thereof that
7 has been satisfied; or

8 (b) The value of any other instrument that creates,
9 releases, discharges, or otherwise affects any
10 valuable legal right, privilege, or obligation
11 shall be deemed the greatest amount of economic
12 loss that the owner of the instrument might
13 reasonably suffer by virtue of the loss of the
14 instrument.

15 (3) When property or services have value but that value
16 cannot be ascertained pursuant to the standards set
17 forth above, the value shall be deemed to be an amount
18 not exceeding \$100.

19 ~~(4) [When acting intentionally or knowingly with respect~~
20 ~~to the value of property or services is required to~~
21 ~~establish an element of an offense, the value of~~



1 ~~property or services shall be prima facie evidence~~
2 ~~that the defendant believed or knew the property or~~
3 ~~services to be of that value. When acting recklessly~~
4 ~~with respect to the value of property or services is~~
5 ~~sufficient to establish an element of an offense, the~~
6 ~~value of the property or services shall be prima facie~~
7 ~~evidence that the defendant acted in reckless~~
8 ~~disregard of the value.] When the value of property or~~
9 ~~services determines the grade of an offense pursuant~~
10 ~~to this chapter, the prosecution shall not be required~~
11 ~~to prove a culpable mental state with respect to~~
12 ~~value. Value shall be treated as a grading factor and~~
13 ~~proof of value beyond a reasonable doubt shall be~~
14 ~~sufficient for grading purposes.~~

15 ~~[-(5) When acting intentionally or knowingly with respect to~~
16 ~~the value of property or services is required to~~
17 ~~establish an element of an offense, it is a defense,~~
18 ~~which reduces the class or grade of the offense to a~~
19 ~~class or grade of offense consistent with the~~
20 ~~defendant's state of mind, that the defendant believed~~
21 ~~the valuation of the property or services to be less.~~



1 ~~When acting recklessly with respect to the value of~~
2 ~~property or services is required to establish an~~
3 ~~element of an offense, it is a defense that the~~
4 ~~defendant did not recklessly disregard a risk that the~~
5 ~~property was of the specified value.~~

6 ~~(6)]~~ (5) Amounts involved in thefts committed pursuant to
7 one scheme or course of conduct, whether the property
8 taken be of one person or several persons, may be
9 aggregated in determining the class or grade of the
10 offense. Amounts involved in offenses of criminal
11 property damage committed pursuant to one scheme or
12 course of conduct, whether the property damaged be of
13 one person or several persons, may be aggregated in
14 determining the class or grade of the offense."

15 SECTION 3. Section 708-830.5, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "**§708-830.5 Theft in the first degree.** (1) A person
18 commits the offense of theft in the first degree if the person
19 commits theft of:

20 (a) Property or services, the value of which exceeds
21 ~~[\$20,000,]~~ \$28,000;



(b) A firearm;

(c) Dynamite or other explosive;

(d) Property or services during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster under chapter 127A, the value of which exceeds [~~\$300,~~] \$500;

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

(f) Property or services, the value of which exceeds \$750, from a person who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft; or

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

(2) Theft in the first degree is a class B felony."

SECTION 4. Section 708-831, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:



"(1) A person commits the offense of theft in the second degree if the person commits theft of:

(a) Property from the person of another;

(b) Property or services the value of which exceeds ~~[\$750;]~~ \$1,100;

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

(d) Agricultural equipment, supplies, or products, or part thereof, the value of which exceeds \$100 but does not exceed \$20,000, or of agricultural products that exceed twenty-five pounds, from premises that are fenced, enclosed, or secured in a manner designed to exclude intruders or where there is prominently displayed on the premises a sign or signs sufficient to give notice and reading as follows: "Private Property", "No Trespassing", or a substantially similar message; or if at the point of entry of the



1 premises, a crop is visible. The sign or signs,
2 containing letters no less than two inches in height,
3 shall be placed along the boundary line of the land in
4 a manner and in such a position as to be clearly
5 noticeable from outside the boundary line. Possession
6 of agricultural products without ownership and
7 movement certificates, when a certificate is required
8 pursuant to chapter 145, is prima facie evidence that
9 the products are or have been stolen;

10 (e) Agricultural commodities that are generally known to
11 be marketed for commercial purposes. Possession of
12 agricultural commodities without ownership and
13 movement certificates, when a certificate is required
14 pursuant to section 145-22, is prima facie evidence
15 that the products are or have been stolen; provided
16 that "agricultural commodities" has the same meaning
17 as in section 145-21;

18 (f) Property commonly used to store items of monetary
19 value, including but not limited to any purse,
20 handbag, or wallet;



- 1 (g) Property or services, the value of which exceeds \$250,
2 from a person who is sixty years of age or older and
3 the age of the property owner is known or reasonably
4 should be known to the person who commits theft; or
5 (h) An electric gun as defined in section 134-81."

6 SECTION 5. Section 708-832, Hawaii Revised Statutes, is
7 amended by amending subsection (1) to read as follows:

8 "(1) A person commits the offense of theft in the third
9 degree if the person commits theft:

10 (a) Of property or services the value of which exceeds
11 [~~\$250.~~] \$400; or

12 (b) Of gasoline, diesel fuel, or other related petroleum
13 products used as propellants of any value not
14 exceeding [~~\$750.~~] \$1,100."

15 SECTION 6. Section 708-833, Hawaii Revised Statutes, is
16 amended by amending subsection (1) to read as follows:

17 "(1) A person commits the offense of theft in the fourth
18 degree if the person commits theft of property or services of
19 any value not in excess of [~~\$250.~~] \$400."



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

4 SECTION 8. Statutory material to be repealed is bracketed
5 and stricken. New statutory material is underscored.

6 SECTION 9. This Act shall take effect upon its approval.
7

INTRODUCED BY: Karl Rhoads



S.B. NO. 3211

Report Title:

Theft; Value Threshold; Inflation; Valuation

Description:

Clarifies that the value of property or services is a grading factor for theft offenses that does not require proof of a culpable mental state. Increases theft threshold amounts.

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