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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. 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;



- 1 (d) Property or services during an emergency period  
2 proclaimed by the governor or mayor pursuant to  
3 chapter 127A, within the area covered by the emergency  
4 or disaster under chapter 127A, the value of which  
5 exceeds \$300;
- 6 (e) Property from the person of another who is sixty years  
7 of age or older and the age of the property owner is  
8 known or reasonably should be known to the person who  
9 commits theft;
- 10 (f) Property or services, the value of which exceeds \$750,  
11 from a person who is sixty years of age or older and  
12 the age of the property owner is known or reasonably  
13 should be known to the person who commits theft; or
- 14 (g) A motor vehicle or motorcycle as defined in section  
15 291C-1.
- 16 (2) Theft in the first degree [~~is~~] shall be a class B  
17 felony.
- 18 (3) In addition to any other authorized disposition, for a  
19 conviction under this section where the value of the property or  
20 services exceeds \$250,000, the sentence shall be either:



1        (a) An indeterminate term of imprisonment of ten years;  
2                provided that the minimum term of imprisonment shall  
3                be not less than twelve months without possibility of  
4                parole; or

5        (b) A term of probation or supervision of four years, a  
6                condition of which shall include but not be limited to  
7                a mandatory minimum of twelve months of imprisonment  
8                without possibility of parole. Notwithstanding any  
9                other law to the contrary, the mandatory period of  
10               imprisonment shall not be suspended or otherwise not  
11               imposed."

12        SECTION 3. This Act does not affect rights and duties that  
13 matured, penalties that were incurred, and proceedings that were  
14 begun before its effective date.

15        SECTION 4. Statutory material to be repealed is bracketed  
16 and stricken. New statutory material is underscored.

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



**Report Title:**

Penal Code; Theft in the First Degree; Penalty

**Description:**

Requires a mandatory twelve-month minimum sentence of incarceration, without the possibility of parole, 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.  
(SD1)

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

