

ACT 233

H.B. NO. 2598-82

A Bill for an Act to Amend Section 708-833.5, Hawaii Revised Statutes, Relating to Shoplifting.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Section 708-833.5, Hawaii Revised Statutes, is amended to read as follows:

“[[§708-833.5]] Shoplifting. (1) A person convicted of committing the offense of shoplifting as defined in section 708-830 shall be sentenced as follows:

- (a) In cases involving property or properties the value or aggregate value of which exceeds \$200: as a class C felony, provided that the minimum fine shall be the lesser of \$5,000 or four times the value or aggregate value involved;
- (b) In cases involving property or properties the value or aggregate value of which [exceed] exceeds \$50: as a misdemeanor, provided that the minimum fine shall be three times the value or aggregate value involved;
- (c) In cases involving property or properties the value or aggregate value of which is \$50 or less: as a petty misdemeanor, provided that the minimum fine shall be twice the value or aggregate value involved;

[provided that a defendant not in contumacious default in the payment of a fine may, instead of the mandatory minimum fines, be ordered to report to the comptroller of the department of accounting and general services to clean public buildings; the director of the department of transportation to pick up and remove litter along public highways; or the office of the chairman of the board of land and natural resources to pick up and remove litter from public parks or to perform services for the community, as the court shall provide. A defendant ordered to perform such services shall be ordered to work for a specific number of hours. This work will be certified to the court by the department involved.]

- (d) If a person has previously been convicted of committing the offense of shoplifting as defined in section 708-830, the minimum fine shall be double that specified in subsections (a), (b), (c) respectively as set forth above; provided, in the event the convicted person defaults in payment of any fine, and the default was not contumacious, the court may sentence the person to perform services for the community as authorized by section 706-605(1)(f).”

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SECTION 2. Statutory material to be repealed is bracketed. New material is underscored.

SECTION 3. This Act shall take effect upon its approval.

(Approved June 14, 1982.)