

ACT 218

S.B. NO. 1316

A Bill for an Act Relating to the Penal Code.

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

SECTION 1. Agricultural theft leads to the destruction of entire crops and loss of expensive farm equipment such as tractors and wheelbarrows, as well as ground preparation materials such as fertilizer and herbicides. The volume of agricultural theft occurrence can greatly impact a major economic sector of the local economy.

The theft of crops and farm equipment on the island of Hawaii has cost farmers at least \$200,000 a year and losses are expected to increase steadily as more farmers file theft reports. Remote farms that are easily accessible by sugar cane roads are most vulnerable to this type of activity. To worsen the problem, many of the farmers do not live at the farm itself.

The purpose of this Act is to prevent the theft of crops and farm equipment by subjecting violators to a class C felony.

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SECTION 2. Section 708-800, Hawaii Revised Statutes, is amended by adding a new definition to be appropriately inserted and to read as follows:

““Agricultural equipment, supplies, or products” mean any agricultural equipment, supplies, or commercial agricultural products raised, grown, or maintained by a commercial agricultural enterprise or research agency while owned by the enterprise or agency.”

SECTION 3. Section 708-831, Hawaii Revised Statutes, is amended to read as follows:

“§708-831 Theft in the second degree. (1) A person commits the offense of theft in the second degree if the person commits theft:

- (a) Of property from the person of another;
- (b) Of property or services the value of which exceeds \$300; [or]
- (c) Of an aquaculture product or part thereof from premises that is fenced or enclosed in a manner designed to exclude intruders and there is prominently displayed on the premises a sign or signs sufficient to give notice and reading substantially as follows: “It is a crime to take or remove products from these premises, Hawaii Revised Statutes section 708-831, theft in the second degree. Violators will be prosecuted.”; or

- (d) Of agricultural equipment, supplies, or products, or part thereof, the value of which exceeds \$100 but does not exceed \$20,000, from premises that are fenced, enclosed, or secured in a manner designed to exclude intruders and there is prominently displayed on the premises a sign or signs sufficient to give notice and reading substantially as follows: “It is a crime to take or remove agricultural equipment, supplies, or products from these premises, Hawaii Revised Statutes section 708-831, theft in the second degree. Violators will be prosecuted.” The sign or signs, containing letters not less than two inches in height, shall be placed not more than 1000 feet apart along the boundary line of the land in a manner and in such position as to be clearly noticeable from outside the boundary line.

(2) Theft in the second degree is a class C felony. A person convicted of committing the offense of theft in the second degree under sections (c) and (d) shall be sentenced in accordance with chapter 706, except that for the first offense, the court may impose a minimum sentence of a fine of at least \$1,000 or twofold damages sustained by the victim, whichever is greater.”

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun, before its effective date.

SECTION 5. Statutory material to be repealed is bracketed. New statutory material is underscored.

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

(Approved June 10, 1993.)