

ACT 98

H.B. NO. 1155

A Bill for an Act Relating to Criminal Property Damage.

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

SECTION 1. Section 708-820, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminal property damage in the first degree if by means other than fire:

- (a) The person intentionally or knowingly damages property and thereby recklessly places another person in danger of death or bodily injury;
- (b) The person intentionally or knowingly damages the property of another, without the other’s consent, in an amount exceeding \$20,000;
- (c) The person intentionally or knowingly damages the property of another during the time of a civil defense emergency proclaimed by the governor pursuant to chapter 128, within the area covered by the civil defense emergency or during the period of disaster relief under chapter 127; or

[H(d)] The person intentionally or knowingly damages the agricultural equipment, supplies, or products or aquacultural equipment, supplies, or products of another, including trees, bushes, or any other plant and livestock of another, without the other’s consent, in an amount exceeding \$1,500. In calculating the ~~[value of damage, the value of future crops that were damaged is included.]~~ amount of damages to agricultural products, the amount of damages includes future losses and the loss of future production.”

SECTION 2. Section 708-821, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminal property damage in the second degree if by means other than fire:

- (a) The person intentionally or knowingly damages the property of another, without the other’s consent, by the use of widely dangerous means;
- (b) The person intentionally or knowingly damages the property of another, without the other’s consent, in an amount exceeding \$1,500; or
- (c) The person intentionally or knowingly damages the agricultural equipment, supplies, or products or aquacultural equipment, supplies, or products of another, including trees, bushes, or any other plant and livestock of another, without the other’s consent, in an amount exceeding \$500. In calculating the ~~[value of damage, the value of future crops that were damaged is included.]~~ amount of damages to agricultural products, the amount of damages includes future losses and the loss of future production.”

SECTION 3. Section 708-822, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

“(1) A person commits the offense of criminal property damage in the third degree if by means other than fire:

- (a) The person recklessly damages the property of another, without the other’s consent, by the use of widely dangerous means;
- (b) The person intentionally or knowingly damages the property of another, without the other’s consent, in an amount exceeding \$500; or
- (c) The person intentionally damages the agricultural equipment, supplies, or products or aquacultural equipment, supplies, or products of another, including trees, bushes, or any other plant and livestock of another, without the other’s consent, in an amount exceeding \$100. In calculating the ~~[value of damage, the value of future crops that were damaged is included;]~~ amount of damages to agricultural products, the amount of damages includes future losses and the loss of future production.”

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 and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect on July 1, 2007.

(Approved May 25, 2007.)