
A BILL FOR AN ACT

RELATING TO THEFT.

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

- 1 SECTION 1. Section 708-831, Hawaii Revised Statutes, is
2 amended to read as follows:
- 3 "**§708-831 Theft in the second degree.** (1) A person
4 commits the offense of theft in the second degree if the person
5 commits theft:
- 6 (a) Of property from the person of another;
- 7 (b) Of property or services the value of which exceeds
8 \$300;
- 9 (c) Of mail belonging to three or more unrelated persons
10 in the same or separate incident as part of a common
11 scheme or plan;
- 12 [~~(e)~~] (d) Of an aquaculture product or part thereof from
13 premises that is fenced or enclosed in a manner
14 designed to exclude intruders or there is prominently
15 displayed on the premises a sign or signs sufficient
16 to give notice and reading as follows: "Private
17 Property"; or



1 ~~(d)~~ (e) Of agricultural equipment, supplies, or products,
2 or part thereof, the value of which exceeds \$100 but
3 does not exceed \$20,000, or of agricultural products
4 that exceed twenty-five pounds, from premises that are
5 fenced, enclosed, or secured in a manner designed to
6 exclude intruders or there is prominently displayed on
7 the premises a sign or signs sufficient to give notice
8 and reading as follows: "Private Property." The sign
9 or signs, containing letters not less than two inches
10 in height, shall be placed along the boundary line of
11 the land in a manner and in such position as to be
12 clearly noticeable from outside the boundary line.
13 Possession of agricultural products without ownership
14 and movement certificates, when a certificate is
15 required pursuant to chapter 145, is prima facie
16 evidence that the products are or have been stolen.

17 (2) Subsection (1)(c) shall only apply to thefts of three
18 or more items where the items belong to three or more owners.

19 ~~(2)~~ (3) Theft in the second degree is a class C felony.
20 A person convicted of committing the offense of theft in the
21 second degree under ~~(e)~~ subsection (1)(d) and ~~(d)~~ (e) shall
22 be sentenced in accordance with chapter 706, except that for the



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1 first offense, the court may impose a minimum sentence of a fine
2 of at least \$1,000 or two-fold damages sustained by the victim,
3 whichever is greater."

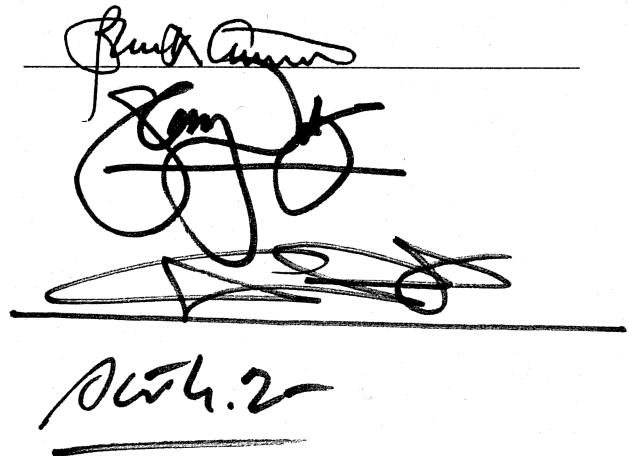
4 SECTION 2. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun, before its effective date.

7 SECTION 3. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect on January 1, 2020.

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INTRODUCED BY:


The text shows three handwritten signatures, each written over a horizontal line. The signatures are in black ink and appear to be cursive or stylized. The first signature is at the top, the second is in the middle, and the third is at the bottom. Below the third signature, there is another horizontal line and the handwritten number '2' followed by a period.

JAN 17 2006



HB1826

Report Title:

Theft; Felony

Description:

Provides that an individual caught with stolen property belonging to three or more persons in the same or separate incident as part of a common scheme or plan commits second degree theft.

