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# A BILL FOR AN ACT

RELATING TO IDENTITY 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 three or more items of mail belonging to three or  
10           more unrelated persons in the same or separate  
11           incident as part of a common 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 where there is  
15           prominently displayed on the premises a sign or signs  
16           sufficient to give notice and reading as follows:

17           "Private 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 where there is prominently  
7                    displayed on the premises a sign or signs sufficient  
8                    to give notice and reading as follows: "Private  
9                    Property." The sign or signs, containing letters not  
10                   less than two inches in height, shall be placed along  
11                   the boundary line of the land in a manner and in such  
12                   position as to be clearly noticeable from outside the  
13                   boundary line. Possession of agricultural products  
14                   without ownership and movement certificates, when a  
15                   certificate is required pursuant to chapter 145, is  
16                   prima facie evidence that the products are or have  
17                   been stolen.

18            (2) Theft in the second degree is a class C felony. A  
19 person convicted of committing the offense of theft in the  
20 second degree under [+]subsection ~~[(1)](e) and (d)~~ (1)(d) or (e)  
21 shall be sentenced in accordance with chapter 706, except that  
22 for the first offense, the court may impose a minimum sentence



1 of a fine of at least \$1,000 or two-fold damages sustained by  
2 the victim, whichever is greater."

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

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 Statutory material to be repealed is bracketed  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

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



SB 2159 502

HD1

**Report Title:**

Identity Theft; Felony

**Description:**

Provides that an individual caught with stolen mail belonging to three or more unrelated persons in the same or separate incident as part of a common scheme or plan commits second degree theft.  
(SB2159 HD1)

SB2159 HD1 HMS 2006-2838

