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# A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE.

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

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

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

5           (a) The person intentionally or knowingly damages property  
6 and thereby recklessly places another person in danger  
7 of death or bodily injury;

8           (b) The person intentionally or knowingly damages the  
9 property of another, without the other's consent, in  
10 an amount exceeding \$20,000;

11           (c) The person intentionally or knowingly damages the  
12 property of another during the time of a civil defense  
13 emergency proclaimed by the governor pursuant to  
14 chapter 128, within the area covered by the civil  
15 defense emergency or during the period of disaster  
16 relief under chapter 127; or

17           [+] (d) [+] The person intentionally or knowingly damages the  
18 agricultural equipment, supplies, or products or



1           aquacultural equipment, supplies, or products of  
2           another, including trees, bushes, or any other plant  
3           and livestock of another, without the other's consent,  
4           in an amount exceeding \$1,500. In calculating the  
5           value of [~~damage, the value of future crops that were~~  
6           ~~damaged is included.~~] damages to agricultural  
7           products, the amount of damages includes future losses  
8           and the loss of future production in the calculation  
9           of the amount of damages."

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

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

14           (a) The person intentionally or knowingly damages the  
15           property of another, without the other's consent, by  
16           the use of widely dangerous means;

17           (b) The person intentionally or knowingly damages the  
18           property of another, without the other's consent, in  
19           an amount exceeding \$1,500; or

20           (c) The person intentionally or knowingly damages the  
21           agricultural equipment, supplies, or products or  
22           aquacultural equipment, supplies, or products of



1 another, including trees, bushes, or any other plant  
2 and livestock of another, without the other's consent,  
3 in an amount exceeding \$500. In calculating the value  
4 of [~~damage, the value of future crops that were~~  
5 ~~damaged is included.~~] damages to agricultural  
6 products, the amount of damages includes future losses  
7 and the loss of future production in the calculation  
8 of the amount of damages."

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

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

13 (a) The person recklessly damages the property of another,  
14 without the other's consent, by the use of widely  
15 dangerous means;

16 (b) The person intentionally or knowingly damages the  
17 property of another, without the other's consent, in  
18 an amount exceeding \$500; or

19 (c) The person intentionally damages the agricultural  
20 equipment, supplies, or products or aquacultural  
21 equipment, supplies, or products of another, including  
22 trees, bushes, or any other plant and livestock of



1 another, without the other's consent, in an amount  
 2 exceeding \$100. In calculating the value of [~~damage,~~  
 3 ~~the value of future crops that were damaged is~~  
 4 ~~included.] damages to agricultural products, the  
 5 amount of damages includes future losses and the loss  
 6 of future production in the calculation of the amount  
 7 of damages."~~

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

11 SECTION 5. Statutory material to be repealed is bracketed  
 12 and stricken. New statutory material is underscored.

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

14 INTRODUCED BY: Calvin K. Ray

BY REQUEST

JAN 22 2007



**Report Title:**

Criminal Property Damage

**Description:**

Clarifies calculation of criminal property damages to agricultural products.

