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# A BILL FOR AN ACT

RELATING TO THEFT IN THE SECOND DEGREE.

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

1           SECTION 1. In 2006, Hawaii's crime index rate decreased a  
2 total of 9.7 per cent from 2005. This included reductions in  
3 the rate of all three of the property crimes that are considered  
4 index crimes. In 2006, burglaries were down 13.8 per cent;  
5 larceny-theft decreased 9.1 per cent; and motor vehicle thefts  
6 declined 13.5 per cent. Overall, Hawaii's property index crime  
7 rate in 2006 was four thousand two hundred fifty-six offenses  
8 per one hundred thousand residents.

9           The legislature finds that the threshold value of stolen  
10 property or services constituting theft in the second degree has  
11 not been amended in over twenty years.

12           The purpose of this Act is to update the offense of theft  
13 in the second degree to reflect changes in the dollar's value  
14 and therefore increase the amount that would incur a felony  
15 charge.

16           SECTION 2. Section 708-831, Hawaii Revised Statutes, is  
17 amended by amending subsection (1) to read as follows:



1           "(1) A person commits the offense of theft in the second  
2 degree if the person commits theft:

3           (a) Of property from the person of another;

4           (b) Of property or services the value of which exceeds  
5           ~~[\$300]~~ \$ \_\_\_\_\_;

6           (c) Of an aquacultural product or part thereof from  
7 premises that is fenced or enclosed in a manner  
8 designed to exclude intruders or there is prominently  
9 displayed on the premises a sign or signs sufficient  
10 to give notice and reading as follows: "Private  
11 Property"; or

12          (d) Of agricultural equipment, supplies, or products, or  
13 part thereof, the value of which exceeds \$100 but does  
14 not exceed \$20,000, or of agricultural products that  
15 exceed twenty-five pounds, from premises that are  
16 fenced, enclosed, or secured in a manner designed to  
17 exclude intruders or there is prominently displayed on  
18 the premises a sign or signs sufficient to give notice  
19 and reading as follows: "Private Property". The sign  
20 or signs, containing letters not less than two inches  
21 in height, shall be placed along the boundary line of  
22 the land in a manner and in [~~such~~] a position as to be



1 clearly noticeable from outside the boundary line.  
2 Possession of agricultural products without ownership  
3 and movement certificates, when a certificate is  
4 required pursuant to chapter 145, is prima facie  
5 evidence that the products are or have been stolen."

6 SECTION 3. This Act does not affect rights and duties that  
7 matured, penalties that were incurred, and proceedings that were  
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 5. This Act shall take effect upon its approval.



**Report Title:**

Theft; Second Degree

**Description:**

Increases the minimum value of stolen property or services constituting theft in the second degree from \$300 to an unspecified dollar amount. (HB147 HD1)

