
A BILL FOR AN ACT

RELATING TO AGRICULTURAL THEFT.

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

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

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

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

6 (b) Of property or services the value of which exceeds
7 \$300;

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

14 (d) Of agricultural equipment, supplies, or products, or
15 part thereof, the value of which exceeds \$100 but does
16 not exceed \$20,000, or of agricultural products that
17 exceed twenty-five pounds, from premises that are
18 fenced, enclosed, or secured in a manner designed to



1 exclude intruders or there is prominently displayed on
 2 the premises a sign or signs sufficient to give notice
 3 and reading as follows: "Private Property". The sign
 4 or signs, containing letters not less than two inches
 5 in height, shall be placed along the boundary line of
 6 the land in a manner and in such position as to be
 7 clearly noticeable from outside the boundary line.
 8 Possession of agricultural products without ownership
 9 and movement certificates, when a certificate is
 10 required pursuant to chapter 145, is prima facie
 11 evidence that the products are or have been stolen.
 12 Possession, while on the premises and without the
 13 consent of the owner, of more than five pounds of an
 14 agricultural product of the type that is grown on the
 15 premises is prima facie evidence that the product is
 16 or has been stolen, unless the person in possession of
 17 the product provides a bill of sale."

18 SECTION 2. New statutory material is underscored.

19 SECTION 3. This Act shall take effect upon its approval.

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Kamelliana

INTRODUCED BY:

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HB HMS 2011-1494



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JAN 26 2011

Report Title:

Agricultural Theft; Possession; Prima Facie Evidence

Description:

Establishes, under the agricultural theft law, that possession of more than five pounds of an agricultural product grown on the premises is prima facie evidence that the product has been stolen, unless a bill of sale is provided.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

