

JAN 25 2012

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. Section 708-830.5, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§708-830.5 Theft in the first degree.** (1) A person
4 commits the offense of theft in the first degree if the person
5 commits theft:

6 (a) Of property or services, the value of which exceeds
7 \$20,000;

8 (b) Of a firearm;

9 (c) Of dynamite or other explosive; [~~or~~]

10 (d) Of property or services during the time of a civil
11 defense emergency proclaimed by the governor pursuant
12 to chapter 128, within the area covered by the civil
13 defense emergency or during the period of disaster
14 relief under chapter 127, the value of which exceeds
15 \$300[~~-~~];

16 (e) Of an aquacultural product or part thereof from
17 premises that are fenced or enclosed in a manner
18 designed to exclude intruders or there is prominently



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

20 (2) Theft in the first degree is a class B felony. A
21 person convicted of committing the offense of theft in the first
22 degree under subsection (1)(e) and (f) shall be sentenced in



1 accordance with chapter 706, except that for the first offense,
 2 the court may impose a minimum sentence of a fine of at least
 3 \$1,000 or two-fold damages sustained by the victim, whichever is
 4 greater."

5 SECTION 2. Section 708-831, Hawaii Revised Statutes, is
 6 amended to read as follows:

7 "**§708-831 Theft in the second degree.** (1) A person
 8 commits the offense of theft in the second degree if the person
 9 commits theft:

- 10 (a) Of property from the person of another; or
- 11 (b) Of property or services the value of which exceeds
- 12 \$300[+].
- 13 [~~(c) Of an aquacultural product or part thereof from~~
- 14 ~~premises that is fenced or enclosed in a manner~~
- 15 ~~designed to exclude intruders or there is prominently~~
- 16 ~~displayed on the premises a sign or signs sufficient~~
- 17 ~~to give notice and reading as follows: "Private~~
- 18 ~~Property"; or~~
- 19 ~~(d) Of agricultural equipment, supplies, or products, or~~
- 20 ~~part thereof, the value of which exceeds \$100 but does~~
- 21 ~~not exceed \$20,000, or of agricultural products that~~
- 22 ~~exceed twenty five pounds, from premises that are~~



1 ~~fenced, enclosed, or secured in a manner designed to~~
2 ~~exclude intruders or there is prominently displayed on~~
3 ~~the premises a sign or signs sufficient to give notice~~
4 ~~and reading as follows: "Private Property". The sign~~
5 ~~or signs, containing letters not less than two inches~~
6 ~~in height, shall be placed along the boundary line of~~
7 ~~the land in a manner and in such position as to be~~
8 ~~clearly noticeable from outside the boundary line.~~
9 ~~Possession of agricultural products without ownership~~
10 ~~and movement certificates, when a certificate is~~
11 ~~required pursuant to chapter 145, is prima facie~~
12 ~~evidence that the products are or have been stolen.]~~

13 (2) Theft in the second degree is a class C felony. [A
14 ~~person convicted of committing the offense of theft in the~~
15 ~~second degree under [subsection (1)](c) and (d) shall be~~
16 ~~sentenced in accordance with chapter 706, except that for the~~
17 ~~first offense, the court may impose a minimum sentence of a fine~~
18 ~~of at least \$1,000 or two fold damages sustained by the victim,~~
19 ~~whichever is greater.] "~~

20 SECTION 3. This Act does not affect rights and duties that
21 matured, penalties that were incurred, and proceedings that were
22 begun before its effective date.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

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

4

INTRODUCED BY: Malame



S.B. NO. 2983

Report Title:

Agriculture; Theft

Description:

Makes agricultural theft a class B felony.

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

