

JAN 15 2014

A BILL FOR AN ACT

RELATING TO THEFT OF COMPUTERS.

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 an aquacultural product or part thereof from
10 premises that are fenced or enclosed in a manner
11 designed to exclude intruders or there is prominently
12 displayed on the premises a sign or signs sufficient
13 to give notice and reading as follows: "Private
14 Property", "No Trespassing", or a substantially
15 similar message;
- 16 (d) Of agricultural equipment, supplies, or products, or
17 part thereof, the value of which exceeds \$100 but does
18 not exceed \$20,000, or of agricultural products that



1 exceed twenty-five pounds, from premises that are
2 fenced, enclosed, or secured in a manner designed to
3 exclude intruders or there is prominently displayed on
4 the premises a sign or signs sufficient to give notice
5 and reading as follows: "Private Property", "No
6 Trespassing", or a substantially similar message; or
7 if at the point of entry of the premise, a crop is
8 visible. The sign or signs, containing letters not
9 less than two inches in height, shall be placed along
10 the boundary line of the land in a manner and in such
11 position as to be clearly noticeable from outside the
12 boundary line. Possession of agricultural products
13 without ownership and movement certificates, when a
14 certificate is required pursuant to chapter 145, is
15 prima facie evidence that the products are or have
16 been stolen; [ø]

- 17 (e) Of agricultural commodities that are generally known
18 to be marketed for commercial purposes. Possession of
19 agricultural commodities without ownership and
20 movement certificates, when a certificate is required
21 pursuant to section 145-22, is prima facie evidence
22 that the products are or have been stolen; provided



1 that "agriculture commodities" has the same meaning as
2 in section 145-21[-]; or

3 (f) Of a computer as defined by section 708-890.

4 (2) Theft in the second degree is a class C felony. A
5 person convicted of committing the offense of theft in the
6 second degree under [+]subsection (1) [+] (c) and (d) shall be
7 sentenced in accordance with chapter 706, except that for the
8 first offense, the court may impose a minimum sentence of a fine
9 of at least \$1,000 or two-fold damages sustained by the victim,
10 whichever is greater."

11 SECTION 2. This Act does not affect rights and duties that
12 matured, penalties that were incurred, and proceedings that were
13 begun before its effective date.

14 SECTION 3. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 4. This Act shall take effect upon its approval.

17

INTRODUCED BY: *Janne Mercedes Kim*
BY REQUEST

S.B. NO. 2098

Report Title:

Honolulu Prosecutor's Package; Theft of Computers

Description:

Broadens the offense of theft in the second degree to include theft of a computer.

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

