

JAN 17 2014

A BILL FOR AN ACT

RELATING TO SALES ADVERTISEMENTS FOR STOLEN PROPERTY.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part IV to be appropriately
3 designated and to read as follows:

4 "§708- Advertising the sale of stolen property. (1) A
5 person commits the offense of advertising the sale of stolen
6 property if the person, knowing the property to be stolen,
7 advertises by television, radio, telephone, newspaper, magazine,
8 posted signage, other printed material, telecommunications, the
9 Internet, other electronic means, or in any other way, any offer
10 to sell, transfer, barter, or exchange stolen property.

11 (2) Advertising the sale of stolen property is an offense
12 of the same grade as theft of the property advertised for sale."

13 SECTION 2. Section 708-834, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§708-834 Defenses: unawareness of ownership; claim of
16 right; household belongings; co-interest not a defense. (1) It
17 is a defense to a prosecution for theft or advertising the sale
18 of stolen property that the defendant:



1 (a) Was unaware that the property or service was that of
2 another; or

3 (b) Believed that the defendant was entitled to the
4 property or services under a claim of right or that
5 the defendant was authorized, by the owner or by law,
6 to obtain or exert control as the defendant did.

7 (2) If the owner of the property is the defendant's spouse
8 or reciprocal beneficiary, it is a defense to a prosecution for
9 theft of property or advertising the sale of stolen property
10 that:

11 (a) The property which is obtained or over which
12 unauthorized control is exerted constitutes household
13 belongings[+] such as furniture, personal effects,
14 vehicles, money or its equivalent in amounts
15 customarily used for household purposes, and other
16 property usually found in and about the common
17 dwelling and accessible to its occupants; and

18 (b) The defendant and the defendant's spouse or reciprocal
19 beneficiary were living together at the time of the
20 conduct.

21 [~~(3) "Household belongings" means furniture, personal~~
22 ~~effects, vehicles, money or its equivalent in amounts~~



1 ~~customarily used for household purposes, and other property~~
2 ~~usually found in and about the common dwelling and accessible to~~
3 ~~its occupants.~~

4 ~~(4)]~~ (3) In a prosecution for theft~~[7]~~ or advertising the
5 sale of stolen property, it is not a defense that the defendant
6 has an interest in the property if the owner has an interest in
7 the property to which the defendant is not entitled."

8 SECTION 3. 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 4. Statutory material to be repealed is bracketed
12 and stricken. New statutory material is underscored.

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

14

INTRODUCED BY:



S.B. NO. 2386

Report Title:

Theft; Advertising Sale of Stolen Property

Description:

Establishes a criminal offense for advertising the sale of stolen property with the intent to commit theft.

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

