
A BILL FOR AN ACT

RELATING TO THEFT.

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- Theft of urn. (1) A person commits the offense
5 of theft of urn if the person:

6 (a) Obtains an urn through any means described in section
7 708-830;

8 (b) Intentionally desecrates a columbarium or an urn under
9 section 711-1107; or

10 (c) Violates section 445-233 in regard to an urn.

11 (2) For the purposes of this section, "urn" means a
12 container that is or has been used to hold human ashes.

13 (3) Theft of urn is a class C felony; provided that a
14 conviction for desecration under subsection (1)(b) shall be
15 penalized as provided in section 711-1107(3)."

16 SECTION 2. Section 445-231, Hawaii Revised Statutes, is
17 amended by adding a new definition to be appropriately inserted
18 and to read as follows:



1 "Urn" means a container that is or has been used to hold
2 human ashes."

3 SECTION 3. Section 445-233, Hawaii Revised Statutes, is
4 amended as follows:

5 1. By amending subsection (b) to read:

6 "(b) If the scrap presented for purchase is copper, [~~ex~~] a
7 beer keg, or an urn, in whole or in part, the seller shall
8 provide a copy of a receipt that describes, with particularity:

9 (1) The exact item that is being offered for sale;

10 (2) Who issued the receipt;

11 (3) The date of sale of the item prior to the item's being
12 offered to the scrap dealer; and

13 (4) The price, if any, of the item when obtained by the
14 seller."

15 2. By amending subsections (d), (e), and (f) to read:

16 "(d) If the seller does not provide a copy of the receipt
17 or the notarized declaration as required by subsections (b) and
18 (c), the scrap dealer shall not purchase the copper, [~~ex~~] beer
19 keg, or urn, in whole or in part, and shall report the attempted
20 sale to the police.



1 (e) If the scrap dealer purchases any copper [~~or~~], beer
2 keg, or urn, in whole or in part, the scrap dealer shall take a
3 photograph or photographs of all of the copper [~~or any~~], beer
4 keg, or urn, offered for sale.

5 (f) The scrap dealer shall also require the seller to
6 verify the seller's identity by presenting a valid photo
7 identification card or license issued by a federal or state
8 government agency authorized to issue valid identification. If
9 the scrap being offered for sale is copper, [~~or~~] a beer keg, or
10 an urn, in whole or in part, the scrap dealer shall:

- 11 (1) Take a photograph of the seller; or
- 12 (2) Make a photocopy of the identification card or license
13 of the seller."

14 SECTION 4. Section 711-1107, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of desecration if the
17 person intentionally desecrates:

- 18 (a) Any public monument or structure;
- 19 (b) A place of worship or burial[~~r~~], including a
20 columbarium or an urn; or



1 (c) In a public place the national flag or any other
2 object of veneration by a substantial segment of the
3 public."

4 SECTION 5. This Act does not affect rights and duties that
5 matured, penalties that were incurred, and proceedings that were
6 begun before its effective date.

7 SECTION 6. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

9 SECTION 7. This Act shall take effect on July 1, 2016.



Report Title:

Urn; Theft; Penal Code; Class C Felony; Scrap Dealers;
Statement; Desecration

Description:

Establishes the offense of theft of urn as a class C felony. Requires scrap dealers to follow the same requirements regarding a written statement for the purchase of an urn as they do for the purchase of copper or a beer keg. Includes the intentional desecration of a columbarium or an urn under the offense of desecration. (SD1)

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