

JAN 23 2015

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# 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 two new sections to part IV to be  
3 appropriately 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, with reckless disregard of the risk that  
7 the property is stolen, advertises by television, radio,  
8 telephone, newspaper, magazine, posted signage, other printed  
9 material, telecommunications, the Internet, other electronic  
10 means, or in any other way, any offer to sell, transfer, barter,  
11 or exchange stolen property.

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

14           §708-           Defenses to advertising the sale of stolen  
15 property. (1) It is a defense to a prosecution for advertising  
16 the sale of stolen property that the defendant reasonably  
17 believed that the defendant was entitled to the property under a  
18 claim of right or that the defendant was reasonably authorized,



1 by the owner or by law, to obtain or exert control as the  
2 defendant did.

3 (2) If the owner of the property is the defendant's spouse  
4 or reciprocal beneficiary, it is a defense to a prosecution for  
5 advertising the sale of stolen property that:

6 (a) The property which is obtained or over which  
7 unauthorized control is exerted constitutes household  
8 belongings; and

9 (b) The defendant and the defendant's spouse or reciprocal  
10 beneficiary were living together at the time of the  
11 conduct.

12 (3) In a prosecution for advertising the sale of stolen  
13 property, it is not a defense that the defendant has an interest  
14 in the property if the owner has an interest in the property to  
15 which the defendant is not reasonably entitled.

16 (4) As used in this section "household belongings" shall  
17 have the same meaning as defined in section 708-834."

18 SECTION 2. This Act does not affect rights and duties that  
19 matured, penalties that were incurred, and proceedings that were  
20 begun before its effective date.

21 SECTION 3. New statutory material is underscored.



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

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INTRODUCED BY:

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# S.B. NO. 516

**Report Title:**

Advertising Sale of Stolen Property; Defense

**Description:**

Establishes a criminal offense for advertising the sale of stolen property and defenses.

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

