

GOV. MSG. NO. 1105

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

April 14, 2021

The Honorable Ronald D. Kouchi,
President of the Senate
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on April 14, 2021, the following bill was signed into law:

HB170 HD1

RELATING TO THEFT IN THE SECOND DEGREE
ACT 005 (21)

Sincerely,

David Y. Ige
Governor, State of Hawai'i

Approved by the Governor
APR 14 2021
on _____

ORIGINAL

ACT 005

HOUSE OF REPRESENTATIVES
THIRTY-FIRST LEGISLATURE, 2021
STATE OF HAWAII

H.B. NO. 170
H.D. 1

A BILL FOR AN ACT

RELATING TO THEFT IN THE SECOND DEGREE.

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

1 SECTION 1. The legislature finds that the State's Penal
2 Code does not adequately address situations in which an offender
3 takes the property of another that is commonly used to store
4 items of personal or monetary value, including purses, handbags,
5 or wallets. The Hawaii supreme court decision in *State v.*
6 *Cabrera*, 90 Haw. 359, 978 P.2d 797 (1999), established that the
7 prosecution must prove beyond a reasonable doubt that an accused
8 offender intended to steal property or services valued in excess
9 of \$750 to convict a defendant of theft in the second degree
10 under section 708-831(1)(b), Hawaii Revised Statutes. Thus, an
11 offender may be arrested for the offense of theft in the second
12 degree when the value of property taken exceeds \$750, but due to
13 the high standard of proof required, this offense is typically
14 amended or dropped.

15 The legislature further finds that including any instance
16 in which an offender takes the property of another that is
17 commonly used to store items of personal or monetary value,



1 including purses, handbags, or wallets, as an offense of theft
2 in the second degree may deter potential offenders from engaging
3 in theft of these items. The legislature finds that specifying
4 this particular offense as a felony may have a long-term
5 deterrent effect and create a safer environment for the
6 community.

7 Additionally, the legislature finds that purses, handbags,
8 wallets, or similar items often contain personal information of
9 not just the victim whose property was taken in a theft, but
10 also the personal information of the victim's family, employer,
11 friends, or acquaintances. These items can also contain
12 sensitive medical information, credit cards, workplace
13 information, personal photos, or other sensitive information.
14 The victim's personal information stored in these items
15 typically leads to further victimization, including fraud,
16 identity theft, harassment, or stalking.

17 Accordingly, the purpose of this Act is to amend the
18 offense of theft in the second degree to include theft of
19 property commonly used to store items of monetary value,
20 including any purse, handbag, or wallet.



1 SECTION 2. Section 708-831, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of theft in the second
4 degree if the person commits theft[+] of:

5 (a) [~~Of property~~] Property from the person of another;

6 (b) [~~Of property~~] Property or services the value of which
7 exceeds \$750;

8 (c) [~~Of an~~] An aquacultural product or part thereof from
9 premises that are fenced or enclosed in a manner
10 designed to exclude intruders or there is prominently
11 displayed on the premises a sign or signs sufficient
12 to give notice and reading as follows: "Private
13 Property", "No Trespassing", or a substantially
14 similar message;

15 (d) [~~Of agricultural~~] Agricultural equipment, supplies, or
16 products, or part thereof, the value of which exceeds
17 \$100 but does not exceed \$20,000, or of agricultural
18 products that exceed twenty-five pounds, from premises
19 that are fenced, enclosed, or secured in a manner
20 designed to exclude intruders or where there is
21 prominently displayed on the premises a sign or signs



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

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



1 "agricultural commodities" has the same meaning as in
2 section 145-21~~(-)~~; or
3 (f) Property commonly used to store items of monetary
4 value, including but not limited to any purse,
5 handbag, or wallet."

6 SECTION 3. This Act does not affect rights and duties that
7 matured, penalties that were incurred, and proceedings that were
8 begun before its effective date.

9 SECTION 4. Statutory material to be repealed is bracketed
10 and stricken. New statutory material is underscored.

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

APPROVED this 14 day of APR, 2021



GOVERNOR OF THE STATE OF HAWAII



HB No. 170, HD 1

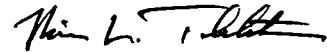
THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: March 9, 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives

THE SENATE OF THE STATE OF HAWAII

Date: MAR 29 2021
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Third Reading in the Senate of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2021.



Ronald D. Kousser
President of the Senate



Carol T. Taniguchi
Clerk of the Senate