

JAN 19 2022

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 the potential for theft of
3 electric guns. On January 1, 2022, it became legal for many
4 members of the public to buy and possess electric guns.

5 Electric guns can cause severe pain and completely
6 incapacitate a person. Criminals will begin to seek out these
7 devices to utilize for the facilitation of crimes. This is
8 because, while the effect of electric guns on a victim can be
9 severe, the incapacitation caused will likely be temporary and
10 is less likely to result in death or serious bodily injury.

11 Furthermore, the residual injuries for a victim would be lesser
12 than would occur had a similar level of incapacitation or pain
13 been inflicted by other means other than an electric gun.

14 Electric guns could be used to facilitate a multitude of
15 crimes including but not limited to robberies, assaults, sexual
16 assaults, human trafficking, and domestic violence.



1 For these reasons, the legislature further finds that
2 specifying that the theft of an electric gun, regardless of its
3 value, is a higher degree of theft, may have a long-term
4 deterrent effect, creating a safer environment for the
5 community.

6 Accordingly, the purpose of this Act is to amend the
7 offense of theft in the second degree to include theft of an
8 electric gun regardless of monetary value.

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

11 "(1) A person commits the offense of theft in the second
12 degree if the person commits theft of:

13 (a) Property from the person of another;

14 (b) Property or services the value of which exceeds \$750;

15 (c) An aquacultural product or part thereof from premises

16 that are fenced or enclosed in a manner designed to

17 exclude intruders or there is prominently displayed on

18 the premises a sign or signs sufficient to give notice

19 and reading as follows: "Private Property", "No

20 Trespassing", or a substantially similar message;



- 1 (d) Agricultural equipment, supplies, or products, or part
2 thereof, the value of which exceeds \$100 but does not
3 exceed \$20,000, or of agricultural products that
4 exceed twenty-five pounds, from premises that are
5 fenced, enclosed, or secured in a manner designed to
6 exclude intruders or where there is prominently
7 displayed on the premises a sign or signs sufficient
8 to give notice and reading as follows: "Private
9 Property", "No Trespassing", or a substantially
10 similar message; or if at the point of entry of the
11 premise, a crop is visible. The sign or signs,
12 containing letters no less than two inches in height,
13 shall be placed along the boundary line of the land in
14 a manner and in such a position as to be clearly
15 noticeable from outside the boundary line. Possession
16 of agricultural products without ownership and
17 movement certificates, when a certificate is required
18 pursuant to chapter 145, is prima facie evidence that
19 the products are or have been stolen;
- 20 (e) Agricultural commodities that are generally known to
21 be marketed for commercial purposes. Possession of



1 agricultural commodities without ownership and
2 movement certificates, when a certificate is required
3 pursuant to section 145-22, is prima facie evidence
4 that the products are or have been stolen; provided
5 that "agricultural commodities" has the same meaning
6 as in section 145-21;

7 (f) Property commonly used to store items of monetary
8 value, including but not limited to any purse,
9 handbag, or wallet; ~~[or]~~

10 ~~[+]~~ (g) ~~[+]~~ Property or services, the value of which exceeds
11 \$250, from a person who is sixty years of age or older
12 and the age of the property owner is known or
13 reasonably should be known to the person who commits
14 theft~~[+]~~; or

15 (h) An electric gun as defined in section 134-81."

16 SECTION 3. This Act does not affect rights and duties that
17 matured, penalties that were incurred, and proceedings that were
18 begun before its effective date.

19 SECTION 4. Statutory material to be repealed is bracketed
20 and stricken. New statutory material is underscored.



S.B. NO. 2120

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

2

INTRODUCED BY: MMN-111
By Request



S.B. NO. 2120

Report Title:

Honolulu Police Department Package; Penal Code; Theft in the Second Degree

Description:

Amends the offense of theft in the second degree to include theft of an electric gun.

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