
A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. The legislature finds that the surge in theft
2 perpetrated by organized retail crime rings is threatening
3 communities and businesses in Hawaii. According to the National
4 Retail Federation's 2022 National Retail Security Survey,
5 businesses saw a 26.5 per cent increase in organized retail
6 crime incidents. These crimes not only affect large department
7 stores but small businesses which comprise 99 per cent of the
8 business landscape in the islands.

9 To malicious actors, these crimes are considered low-risk
10 and yield a high-reward. To address this pervasive issue, nine
11 states passed laws in 2022 increasing penalties for organized
12 retail theft. Hawaii, ranking fifth among states for highest
13 average total value of stolen goods per resident, needs to join
14 this nationwide response to combat organized retail theft. The
15 purpose of this Act is to create the offense of organized retail
16 theft and provide penalties accordingly.



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

4 "§708- Organized retail theft. (1) For purposes of this
5 section:

6 "Retailer" means a person or business that sells or
7 facilitates the sale of merchandise to the public for use or
8 consumption rather than for resale.

9 (2) A person commits the offense of organized retail theft
10 if the person intentionally:

11 (a) Acts in concert with one or more persons to commit
12 theft of merchandise from one or more retailers with
13 intent to sell, exchange, or dispose of the
14 merchandise for value; or

15 (b) Acts in concert with one or more persons to receive,
16 possess, conceal, store, or purchase merchandise
17 explicitly represented to the person as being
18 merchandise stolen from a retailer.

19 (3) Violation of this section is:



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1 (a) A Class C felony if the value or aggregate value of
2 the merchandise involved in the act is \$200 or more
3 but less than \$750; or

4 (b) A Class B felony if the value or aggregate value of
5 the merchandise involved in the act is \$750 or more.

6 (4) Violation of this section described in subsection (3)
7 is increased to the next higher categories of offense if the
8 person recruits, coordinates, organizes, supervises, directs,
9 manages, or finances one or more persons to engage in an act
10 described in subsection (2).

11 (5) There is to be established an organized retail theft
12 task force under the department of the attorney general.

13 (a) The task force shall consist of no more than fifteen
14 members and shall include:

15 (i) Four members, appointed by the governor, one of
16 whom shall be an individual who represents state
17 or local law enforcement;

18 (ii) President, or their designee, of the Chamber of
19 Commerce Hawaii;

20 (iii) President, or their designee, of the Retail
21 Merchants of Hawaii;



- 1 (iv) Prosecuting Attorney, or their designee, for the
2 City and County of Honolulu;
- 3 (v) Prosecuting Attorney, or their designee, for the
4 County of Maui;
- 5 (vi) Prosecuting Attorney, or their designee, for the
6 County of Kauai; and
- 7 (vii) Prosecuting Attorney, or their designee, for the
8 County of Hawaii.
- 9 (b) Appointments to the task force shall be made by the
10 appointing authority no later than sixty days after
11 the effective date of this bill.
- 12 (c) The members of the task force shall serve without
13 compensation. No member of the task force shall be
14 made subject to section 84-17, solely because of that
15 member's participation on the task force. The task
16 force shall be exempt from chapter 92.
- 17 (d) The task force shall submit a report of its findings
18 and recommendations, including any proposed
19 legislation, to the legislature no later than twenty
20 days prior to the convening of the regular session of
21 2025."



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

4 SECTION 4. New statutory material is underscored.

5 SECTION 5. This Act shall take effect upon its approval.
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INTRODUCED BY:

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JAN 18 2024



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Report Title:

Minority Caucus Package; Organized Retail Theft; Task Force

Description:

Creates the offense of organized retail theft. Provides penalties for organized retail theft. Creates an organized retail theft task force.

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