
A BILL FOR AN ACT

RELATING TO THEFT OF PROPERTY.

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

1 SECTION 1. The legislature finds that theft of property
2 continues to be a major problem for the residents of Hawaii.
3 While the legislature last year passed a bill creating the
4 offense of mail theft in an attempt to deter theft, the reality
5 is that the current statutes do not provide a very harsh
6 punishment for theft of property. After the 2016 legislative
7 session, Act 231 increased the monetary thresholds for the
8 offenses of theft in the second and third degrees. This means
9 that one would have to steal property exceeding \$750 in value to
10 be charged with theft in the second degree, whereas before this
11 act, the value only had to exceed \$300.

12 The legislature finds that a soft on crime approach leads
13 to more crime. When people do not fear negative consequences for
14 their actions, they are less likely to be deterred from
15 committing those actions.

16 The purpose of this Act is to lower the threshold for the
17 offenses of theft of property in the second and third degrees.



1 SECTION 2. Section 708-831, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§708-831 Theft in the second degree.** (1) A person
4 commits the offense of theft in the second degree if the person
5 commits theft of:

6 (a) Property from the person of another;

7 (b) Property or services the value of which exceeds
8 [~~\$750;~~] \$300;

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

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



1 to give notice and reading as follows: "Private
2 Property", "No Trespassing", or a substantially
3 similar message; or if at the point of entry of the
4 premises, a crop is visible. The sign or signs,
5 containing letters no less than two inches in height,
6 shall be placed along the boundary line of the land in
7 a manner and in such a position as to be clearly
8 noticeable from outside the boundary line. Possession
9 of agricultural products without ownership and
10 movement certificates, when a certificate is required
11 pursuant to chapter 145, is prima facie evidence that
12 the products are or have been stolen;

13 (e) Agricultural commodities that are generally known to
14 be marketed for commercial purposes. Possession of
15 agricultural commodities without ownership and
16 movement certificates, when a certificate is required
17 pursuant to section 145-22, is prima facie evidence
18 that the products are or have been stolen; provided
19 that "agricultural commodities" has the same meaning
20 as in section 145-21;



- 1 (f) Property commonly used to store items of monetary
2 value, including but not limited to any purse,
3 handbag, or wallet;
- 4 (g) Property or services, the value of which exceeds \$250,
5 from a person who is sixty years of age or older and
6 the age of the property owner is known or reasonably
7 should be known to the person who commits theft; or
- 8 (h) An electric gun as defined in section 134-81.

9 (2) Theft in the second degree is a class C felony. A
10 person convicted of committing the offense of theft in the
11 second degree under subsection (1)(c) and (d) shall be sentenced
12 in accordance with chapter 706, except that for the first
13 offense, the court may impose a minimum sentence of a fine of at
14 least \$1,000 or two-fold damages sustained by the victim,
15 whichever is greater."

16 SECTION 3. Section 708-832, Hawaii Revised Statutes, is
17 amended to read as follows:

18 **"§708-832 Theft in the third degree.** (1) A person
19 commits the offense of theft in the third degree if the person
20 commits theft:



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- 1 (a) Of property or services the value of which exceeds
2 [~~\$250;~~] \$100; or
3 (b) Of gasoline, diesel fuel, or other related petroleum
4 products used as propellants of any value not
5 exceeding \$750.

6 (2) Theft in the third degree is a misdemeanor."

7 SECTION 4. Statutory material to be repealed is bracketed
8 and stricken. New statutory material is underscored.

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

10

INTRODUCED BY:



JAN 20 2023



H.B. NO. 635

Report Title:

Petty Misdemeanor; Increased punishment.

Description:

Lowers the threshold for theft of property for the offenses of second and third degree theft of property.

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