
A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE.

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

1 SECTION 1. The legislature finds that the vandalism of
2 local businesses has become a common occurrence. Increasingly,
3 there are reports of "smash-and-grab" crimes, in which thieves
4 smash windows, doors, or display cases and flee with
5 merchandise. The legislature recognizes that these crimes are
6 especially concerning when perpetrated against small businesses.
7 Many locally- or independently-owned businesses survive
8 month-to-month on thin profit margins.

9 The legislature also finds that small businesses are
10 disproportionately burdened by the time-consuming process of
11 reporting and documenting criminal property damage. If a
12 business owner is unable to obtain an estimate to repair or
13 replace property within the short time frame typically requested
14 by law enforcement representatives, the alleged offender may
15 receive more lenient treatment. More specifically, the person
16 may be charged with the petty misdemeanor offense of criminal
17 property damage in the fourth degree, which does not require



1 proof of the value of the damaged property. Although it is more
2 expedient to prosecute this lesser offense because the
3 prosecutor has fewer elements to prove, convicted persons are
4 often sentenced to time already served pending prosecution,
5 providing very little deterrent value.

6 Accordingly, the purpose of this Act is to reduce the
7 burden on business owners in the State by amending the
8 misdemeanor offense of criminal property damage in the third
9 degree to include intentional or knowing damage, in any amount,
10 to property used for business operations.

11 SECTION 2. Section 708-822, Hawaii Revised Statutes, is
12 amended by amending subsection (1) to read as follows:

13 "(1) A person commits the offense of criminal property
14 damage in the third degree if by means other than fire:

15 (a) The person recklessly damages the property of another,
16 without the other's consent, by the use of widely
17 dangerous means;

18 (b) The person intentionally or knowingly damages the
19 property of another, without the other's consent, in
20 an amount exceeding \$500; [~~or~~]



1 (c) The person intentionally damages the agricultural
2 equipment, supplies, or products or aquacultural
3 equipment, supplies, or products of another, including
4 trees, bushes, or any other plant and livestock of
5 another, without the other's consent, in an amount
6 exceeding \$100. In calculating the amount of damages
7 to agricultural products, the amount of damages
8 includes future losses and the loss of future
9 production[-]; or

10 (d) The person intentionally or knowingly damages the
11 property of another, without the other's consent, if
12 the property is used in a business operation. For
13 purposes of this section, property "used in a business
14 operation," includes signage, furniture, doors,
15 windows, vehicles bearing the name of the business
16 operation, and any other fixtures or equipment that
17 are associated with the business operation."

18 SECTION 3. 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.



1 SECTION 4. Statutory material to be repealed is bracketed
2 and stricken. New statutory material is underscored.

3 SECTION 5. This Act shall take effect upon its approval.
4

INTRODUCED BY:

Kamari Brown

JAN 13 2025



Report Title:

Penal Code; Criminal Property Damage; Business Operations;
Penalty

Description:

Amends the misdemeanor offense of criminal property damage in the third degree to include intentionally or knowingly damaging the property of another, if the property is used in a business operation.

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