

A Bill for an Act Relating to Larceny and Receiving Stolen Goods.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. A new section is added to the Hawaii Revised Statutes to be appropriately numbered by the revisor of statutes and to read as follows:

“Sec. Theft in the first degree.

(1) A person commits the offense of theft in the first degree if he commits theft:

- (a) by obtaining property from the person of another; or
- (b) of property or services the value of which exceeds \$200; or
- (c) of a firearm; or
- (d) of dynamite or other explosives.

(2) Theft in the first degree is a Class C felony.”

SECTION 2. A new section is added to the Hawaii Revised Statutes to be appropriately numbered by the revisor of statutes and to read as follows:

“Sec. 830—Theft.

A person commits theft if he does any of the following:

- (1) Obtains or exerts unauthorized control over property. He obtains, or exerts control over, the property of another with intent to deprive him of the property.
- (2) Property obtained or control exerted through deception. He obtains, or exerts control over, the property of another by deception with intent to deprive him of the property.
- (3) Extortion. He obtains, or exerts control over, the property of another by extortion with intent to deprive him of the property.
- (4) Appropriation of property. He obtains, or exerts control over, the property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the nature or amount of the property, the identity of the recipient, or other facts, and, with the intent to deprive the owner of the property, he fails to take reasonable measures to discover and notify him.
- (5) Obtaining services by deception or extortion. He intentionally obtains services, known by him to be available only for compensation, by deception, extortion, false token, or other means to avoid payment for the services. Where compensation for services is ordinarily paid immediately upon the rendering of them, absconding without payment or offer to pay is prima facie evidence that the services were obtained by deception.
- (6) Diversion of services. Having control over the disposition of services of another to which he is not entitled, he intentionally diverts those services to his own benefit or to the benefit of a person not entitled thereto.

(7) Failure to make required disposition of funds.

- (a) He intentionally obtains property from anyone upon an agreement, or subject to a known legal obligation, to make specified payment or other disposition, whether from the property or its proceeds or from his own property reserved in equivalent amount, and deals with the property as his own and fails to make the required payment or disposition. It does not matter that it is impossible to identify particular property as belonging to the victim at the time of the defendant's failure to make the required payment or disposition. A person's status as an officer or employee of the government or a financial institution is prima facie evidence that he knows his legal obligations with respect to making payments and other dispositions. If the officer or employee fails to pay or account upon lawful demand, or if an audit reveals a falsification of accounts, it shall be prima facie evidence that he has intentionally dealt with the property as his own.
- (b) He obtains personal services from an employee upon agreement or subject to a known legal obligation to make a payment or other disposition of funds to a third person on account of the employment, and he intentionally fails to make the payment or disposition at the proper time.

- (8) Receiving stolen property. He intentionally receives, retains, or disposes of the property of another, knowing that it has been stolen, with intent to deprive the owner of the property. It is prima facie evidence that a person knows the property to have been stolen if, being a dealer in property of the sort received, he acquires the property for a consideration which he knows is far below its reasonable value."

SECTION 3. Statutory material to be repealed is bracketed. New material is underscored. In printing this Act, the revisor of statutes need not include the brackets, the bracketed material, or the underscoring.*

SECTION 4. This Act shall take effect on January 1, 1973.

(Approved May 23, 1972.)

*Edited accordingly.