

ACT 54

H.B. NO. 1486

A Bill for an Act Relating to Theft.

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

SECTION 1. The legislature finds that most motor vehicle thefts are currently prosecuted under the Hawaii Penal Code offenses of unauthorized control of a propelled vehicle or theft in the second degree, for property the value of which exceeds \$750. Both of these offenses are class C felonies, with a maximum penalty of up to \$10,000 and five years of imprisonment.

The legislature further finds that the public's growing concerns over motor vehicle theft have led to a desire for stiffer penalties. Including theft of a motor vehicle under theft in the first degree will elevate the offense to a class B felony, with a maximum penalty of up to \$25,000 and ten years of imprisonment.

The purpose of this Act is to add theft of a motor vehicle or motorcycle to the offense of theft in the first degree.

SECTION 2. Section 708-830.5, Hawaii Revised Statutes, is amended by amending subsection (1) to read as follows:

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

- (a) Property or services, the value of which exceeds \$20,000;
- (b) A firearm;
- (c) Dynamite or other explosive;
- (d) Property or services during an emergency period proclaimed by the governor or mayor pursuant to chapter 127A, within the area covered by the emergency or disaster under chapter 127A, the value of which exceeds \$300;
- (e) Property from the person of another who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft; ~~or~~
- (f) Property or services, the value of which exceeds \$750, from a person who is sixty years of age or older and the age of the property owner is known or reasonably should be known to the person who commits theft~~[-];~~ or

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(g) A motor vehicle or motorcycle as defined in section 291C-1.”

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

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 Statutory material to be repealed is bracketed and stricken.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

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

(Approved June 17, 2022.)