



**GOV. MSG. NO. 1333**

EXECUTIVE CHAMBERS  
HONOLULU

DAVID Y. IGE  
GOVERNOR

July 13, 2015

The Honorable Ronald D. Kouchi,  
President  
and Members of the Senate  
Twenty-Eighth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Joseph M. Souki,  
Speaker  
and Members of the House  
Twenty-Eighth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi, Speaker Souki, and Members of the Legislature:

I am transmitting herewith SB569 SD1 HD1 CD1, without my approval, and with the statement of objections relating to the measure.

SB569 SD1 HD1 CD1

RELATING TO THEFT

Sincerely,

DAVID Y. IGE  
Governor, State of Hawaii

EXECUTIVE CHAMBERS

HONOLULU

July 13, 2015

STATEMENT OF OBJECTIONS TO SENATE BILL NO. 569

Honorable Members  
Twenty-Eighth Legislature  
State of Hawaii

Pursuant to Section 16 of Article III of the Constitution of the State of Hawaii, I am returning herewith, without my approval, Senate Bill No. 569, entitled "A Bill for an Act Relating to Theft."

The purpose of this bill is to increase the monetary threshold from \$300 to \$750 with respect to property or services for the offense of theft in the second degree.

This bill is objectionable because it would diminish the seriousness of many theft crimes and reduce the deterrent impact of theft offenses. The Department of the Prosecuting Attorney of the City and County of Honolulu, the Chamber of Commerce of Hawaii, and the Hawaii Food Industry Association oppose this bill, noting that increasing the threshold will cause an increase in theft. Loss prevention experts report that professional shoplifters calculate the value of the merchandise they are stealing to keep it under the threshold amount to avoid serious penalties and prosecution as a felony. In these cases, the retailer is never compensated and has no hope of recovery. This will harm families and businesses, and incentivize theft.

For the foregoing reasons, I am returning Senate Bill No. 569 without my approval.

Respectfully,



DAVID Y. IGE  
Governor of Hawaii

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# A BILL FOR AN ACT

RELATING TO THEFT.

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

1           SECTION 1. Section 708-831, Hawaii Revised Statutes, is  
2 amended by amending subsection (1) to read as follows:

3           "(1) A person commits the offense of theft in the second  
4 degree if the person commits theft:

5           (a) Of property from the person of another;

6           (b) Of property or services the value of which exceeds  
7           ~~[\$300,]~~ \$750;

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

15           (d) Of agricultural equipment, supplies, or products, or  
16           part thereof, the value of which exceeds \$100 but does  
17           not exceed \$20,000, or of agricultural products that  
18           exceed twenty-five pounds, from premises that are



1 fenced, enclosed, or secured in a manner designed to  
2 exclude intruders or there is prominently displayed on  
3 the premises a sign or signs sufficient to give notice  
4 and reading as follows: "Private Property", "No  
5 Trespassing", or a substantially similar message; or  
6 if at the point of entry of the premise, a crop is  
7 visible. The sign or signs, containing letters not  
8 less than two inches in height, shall be placed along  
9 the boundary line of the land in a manner and in such  
10 position as to be clearly noticeable from outside the  
11 boundary line. Possession of agricultural products  
12 without ownership and movement certificates, when a  
13 certificate is required pursuant to chapter 145, is  
14 prima facie evidence that the products are or have  
15 been stolen; or

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



1           that "agriculture commodities" has the same meaning as  
2           in section 145-21."

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

6           SECTION 3. Statutory material to be repealed is bracketed  
7           and stricken. New statutory material is underscored.

8           SECTION 4. This Act shall take effect upon its approval.

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APPROVED this                    day of                   , 2015

GOVERNOR OF THE STATE OF HAWAII