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## A BILL FOR AN ACT

RELATING TO THE PENAL CODE.

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

1           SECTION 1. The purpose of this Act is to update the  
2 monetary threshold for felony theft as recommended by the  
3 Council on State Governments Justice Center in 2012. The  
4 current threshold for felony theft is one of the lowest in the  
5 nation and has not been adjusted for thirty years. This amount  
6 will prevent lower level offenders from receiving felony  
7 charges.

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

10           "**§708-831 Theft in the second degree.** (1) A person  
11 commits the offense of theft in the second degree if the person  
12 commits theft:

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

14           (b) Of property or services the value of which exceeds

15           [\$300+] \$750; provided that on January 1, 2017, and on  
16           January 1 in each year thereafter, the value shall be  
17           increased to the sum of the previous year's value plus



1           two per cent of the previous year's value, rounded up  
2           to the nearest dollar.

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

10          (d) Of agricultural equipment, supplies, or products, or  
11          part thereof, the value of which exceeds \$100 but does  
12          not exceed \$20,000, or of agricultural products that  
13          exceed twenty-five pounds, from premises that are  
14          fenced, enclosed, or secured in a manner designed to  
15          exclude intruders or there is prominently displayed on  
16          the premises a sign or signs sufficient to give notice  
17          and reading as follows: "Private Property", "No  
18          Trespassing", or a substantially similar message; or  
19          if at the point of entry of the premise, a crop is  
20          visible. The sign or signs, containing letters not  
21          less than two inches in height, shall be placed along



1 the boundary line of the land in a manner and in such  
2 position as to be clearly noticeable from outside the  
3 boundary line. Possession of agricultural products  
4 without ownership and movement certificates, when a  
5 certificate is required pursuant to chapter 145, is  
6 prima facie evidence that the products are or have  
7 been stolen; or

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

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

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



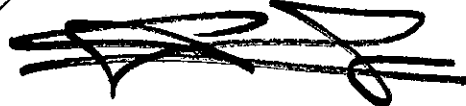
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1 SECTION 5. This Act shall take effect on January 1, 2016.

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INTRODUCED BY:

  
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Scott R. Gunn  
Cindy Evans

John M. [Signature]

JAN 29 2015



# H.B. NO. 1326

**Report Title:**

Theft in the Second Degree

**Description:**

Increases the monetary threshold to \$750 with respect to property or services for theft in the second degree, effective 2016. Provides for 2% automatic yearly increase thereafter.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

