
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 of 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,]~~ \$600;

16 (c) Of an aquacultural product or part thereof from
17 premises that are fenced or enclosed in a manner
18 designed to exclude intruders or there is prominently



1 displayed on the premises a sign or signs sufficient
2 to give notice and reading as follows: "Private
3 Property", "No Trespassing", or a substantially
4 similar message;

- 5 (d) Of agricultural equipment, supplies, or products, or
6 part thereof, the value of which exceeds \$100 but does
7 not exceed \$20,000, or of agricultural products that
8 exceed twenty-five pounds, from premises that are
9 fenced, enclosed, or secured in a manner designed to
10 exclude intruders or there is prominently displayed on
11 the premises a sign or signs sufficient to give notice
12 and reading as follows: "Private Property", "No
13 Trespassing", or a substantially similar message; or
14 if at the point of entry of the premise, a crop is
15 visible. The sign or signs, containing letters not
16 less than two inches in height, shall be placed along
17 the boundary line of the land in a manner and in such
18 position as to be clearly noticeable from outside the
19 boundary line. Possession of agricultural products
20 without ownership and movement certificates, when a
21 certificate is required pursuant to chapter 145, is



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

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

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 Statutory material to be repealed is bracketed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

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

Report Title:

Theft in the Second Degree

Description:

Increases the monetary threshold to \$600 with respect to property or services for theft in the second degree. Effective 01/01/2016. (SD1)

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