

JAN 22 2007

## A BILL FOR AN ACT

RELATING TO THEFT.

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

1 SECTION 1. Section 706-620, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "**§706-620 Authority to withhold sentence of imprisonment.**

4 A defendant who has been convicted of a crime may be sentenced  
5 to a term of probation unless:

6 (1) The crime is first or second degree murder or  
7 attempted first or second degree murder;

8 (2) The crime is a class A felony, except class A felonies  
9 defined in chapter 712, part IV, and by section 707-  
10 702;

11 (3) The defendant is a repeat offender under section 706-  
12 606.5;

13 (4) The defendant is a felony firearm offender as defined  
14 in section 706-660.1(2); ~~[or]~~

15 (5) The crime involved the death of or the infliction of  
16 serious or substantial bodily injury upon a child, an  
17 elder person, or a handicapped person under section  
18 706-660.2~~[+]~~; or



1        (6) The defendant commits theft of property, the total  
2        value of which exceeds \$100,000."

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 Statutory material to be repealed is bracketed  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.

9

INTRODUCED BY:

~~\_\_\_\_\_~~ B/K



**Report Title:**

Probation; Property Theft

**Description:**

Adds property theft of over \$100,000 as a reason to deny probation.

