
A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND
AQUACULTURAL PROPERTY.

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

1 SECTION 1. The legislature finds that agricultural theft
2 and vandalism are critical problems for Hawaii's farmers.
3 Results from a 2005 statewide survey of farmers and ranchers
4 conducted by the department of agriculture, the U.S. Department
5 of Agriculture, and the Hawaii Farm Bureau Federation provide a
6 detailed accounting of the economic impact of agricultural theft
7 and vandalism on the agriculture industry. Losses attributed to
8 an estimated one thousand one hundred fifty-three acts of
9 vandalism amounted to \$2,020,000, with an average loss of \$1,751
10 per incident. Ranchers were particularly affected, suffering
11 \$4,902 in loss or injury to livestock per incident while crop
12 farmers lost \$3,901 per incident. Farmers and ranchers that
13 suffered vandalism to their machinery and equipment lost \$2,751
14 per incident. Almost sixty per cent of the economic loss was
15 suffered by Maui farmers and ranchers (57.5 per cent), followed
16 by Oahu (28.1 per cent), Hawaii (9.6 per cent), and Kauai (4.9
17 per cent).



1 Total theft of farm commodities, materials, equipment, and
2 other property was found to be \$1,950,000. Agricultural theft
3 is often committed using tools such as chain saws, axes,
4 machetes, and large pruning shears that provide a means of
5 quickly "harvesting" agricultural products in order to leave the
6 scene as fast as possible. This frequently results in the death
7 of the plant, including trees and bushes. While the thief has
8 stolen a quantity of produce, the thief has also effectively
9 deprived the farmer of not only the produce on the plant at that
10 time, but also subsequent produce from the plant for that season
11 and succeeding years over the expected life of the plant, as
12 well as the investment made by the farmer to get the plant to
13 the point of production.

14 During the survey period there were one hundred sixty-nine
15 incidents when agricultural machinery and equipment were damaged
16 to the extent that they were rendered inoperable or vehicles
17 were used for "joy rides" in the fields causing damage to
18 planted crops as well as the soil and the vehicle.

19 The legislature finds that the current criminal laws
20 relating to agricultural theft and vandalism should be
21 strengthened to address agricultural theft and vandalism.



1 The purpose of this Act is to strengthen the laws of the
2 State to recognize the actual loss suffered by farmers and
3 ranchers from criminal theft and vandalism and to impose
4 appropriate penalties.

5 SECTION 2. Section 708-800, Hawaii Revised Statutes, is
6 amended as follows:

7 1. By adding a new definition to be appropriately
8 inserted and to read:

9 "Aquacultural equipment, supplies, or products" means any
10 aquacultural equipment, supplies, or commercial aquacultural
11 products or commodities, raised, grown, or maintained by a
12 commercial aquacultural enterprise or research agency while
13 owned by the enterprise or agency."

14 2. By amending the definition of "agricultural equipment,
15 supplies, or products" to read:

16 "Agricultural equipment, supplies, or products" [mean]
17 means any agricultural equipment, supplies, or commercial
18 agricultural products or commodities, including crops, trees,
19 bushes, or any other plant, and livestock, raised, grown, or
20 maintained by a commercial agricultural enterprise or research
21 agency while owned by the enterprise or agency."



1 SECTION 3. Section 708-820, Hawaii Revised Statutes, is
2 amended by amending subsection (1) to read as follows:

3 "(1) A person commits the offense of criminal property
4 damage in the first degree if:

5 (a) The person intentionally or knowingly damages property
6 and thereby recklessly places another person in danger
7 of death or bodily injury; ~~or~~

8 (b) The person intentionally or knowingly damages the
9 property of another, without the other's consent, in
10 an amount exceeding \$20,000~~[-]~~; or

11 (c) The person intentionally or knowingly damages the
12 agricultural or aquacultural equipment, supplies, or
13 products of another, without the other's consent, the
14 value of which exceeds \$1,500. In calculating the
15 value of damage, the value of future crops that were
16 damaged is included."

17 SECTION 4. Section 708-821, Hawaii Revised Statutes, is
18 amended by amending subsection (1) to read as follows:

19 "(1) A person commits the offense of criminal property
20 damage in the second degree if:



1 (a) The person intentionally or knowingly damages the
2 property of another, without the other's consent, by
3 the use of widely dangerous means; [~~or~~]

4 (b) The person intentionally or knowingly damages the
5 property of another, without the other's consent, in
6 an amount exceeding \$1,500[~~+~~]; or

7 (c) The person intentionally or knowingly damages the
8 agricultural or aquacultural equipment, supplies, or
9 products of another, without the other's consent, the
10 value of which exceeds \$500. In calculating the value
11 of damage, the value of future crops that were damaged
12 is included."

13 SECTION 5. Section 708-822, Hawaii Revised Statutes, is
14 amended by amending subsection (1) to read as follows:

15 "(1) A person commits the offense of criminal property
16 damage in the third degree if:

17 (a) The person recklessly damages the property of another,
18 without the other's consent, by the use of widely
19 dangerous means; [~~or~~]

20 (b) The person intentionally damages the property of
21 another, without the other's consent, in an amount
22 exceeding \$500[~~+~~]; or



1 (c) The person intentionally or knowingly damages the
 2 agricultural or aquacultural equipment, supplies, or
 3 products of another, without the other's consent."

4 SECTION 6. Statutory material to be repealed is bracketed
 5 and stricken. New statutory material is underscored.

6 SECTION 7. This Act shall take effect upon its approval.

7

INTRODUCED BY: Felipe P. Abinaya, Jr.

[Signature]
[Signature]
[Signature]
[Signature]
[Signature]
[Signature]

JAN 25 2006



HB 2772

Report Title:

Agricultural and aquacultural property; Criminal property damage

Description:

Increase criminal penalties for damage to agricultural and aquacultural property.

