
A BILL FOR AN ACT

RELATING TO CRIMINAL PROPERTY DAMAGE.

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

1 SECTION 1. The legislature finds that a 2005 statewide
2 survey of farmers and ranchers conducted by the Hawaii
3 department of agriculture, the United States Department of
4 Agriculture, and the Hawaii Farm Bureau Federation provides a
5 detailed accounting of the economic impact of agricultural theft
6 and vandalism on the agriculture industry. Losses attributed to
7 an estimated 1,153 acts of vandalism amounted to \$2,020,000,
8 with an average loss of \$1,751 per incident. Ranchers were
9 particularly affected, suffering \$4,902 in loss or injury to
10 livestock per incident, while crop farmers lost \$3,901 per
11 incident. Farmers and ranchers who suffered vandalism to their
12 machinery and equipment lost \$2,751 per incident. Almost sixty
13 per cent of the economic loss was suffered by Maui farmers and
14 ranchers (57.5 per cent), followed by Oahu (28.1 per cent),
15 Hawaii (9.6 per cent), and Kauai (4.9 per cent).

16 The legislature also finds that total theft of farm
17 commodities, materials, equipment, and other property was found
18 to be \$1,950,000. Agriculture theft is often committed using



1 tools such as chain saws, axes, machetes, and large pruning
2 shears that provide a means of quickly "harvesting" agriculture
3 products in order to leave the scene as fast as possible. This
4 frequently results in the death of the tree, bush, or plant.
5 While the thief has stolen a quantity of produce, the thief has
6 also effectively deprived the farmer of not only the produce
7 that was ready for harvest, but also subsequent produce from the
8 same source for that season and succeeding years over the
9 expected life of the tree or plant, as well as the investment
10 made by the farmer to get the tree or plant to the point of
11 production.

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

18 The purpose of this Act is to strengthen state laws
19 relating to criminal property damage to recognize the actual
20 loss suffered by farmers and ranchers from these criminal
21 actions and to impose appropriate penalties.

1 SECTION 2. Section 708-800, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Aquacultural equipment, supplies, or products means any
5 aquacultural equipment, supplies, or commercial aquacultural
6 products or commodities raised, grown, or maintained by a
7 commercial aquacultural enterprise or research agency while
8 owned by the enterprise or agency."

9 SECTION 3. Section 708-820, Hawaii Revised Statutes, is
10 amended to read as follows:

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

13 (a) The person intentionally or knowingly damages property
14 and thereby recklessly places another person in danger
15 of death or bodily injury; or

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

19 (c) The person intentionally or knowingly damages the
20 agricultural or aquacultural equipment, supplies, or
21 products of another, without the other's consent, in
22 an amount exceeding \$1,500."

1 SECTION 4. Section 708-821, 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 second degree if:

5 (a) The person intentionally or knowingly damages the
6 property of another, without the other's consent, by
7 the use of widely dangerous means; or

8 (b) The person intentionally or knowingly damages the
9 property of another, without the other's consent, in
10 an amount exceeding \$1,500[-];

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, in
14 an amount exceeding \$500."

15 SECTION 5. Section 708-822, Hawaii Revised Statutes, is
16 amended to read as follows:

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

19 (a) The person recklessly damages the property of another,
20 without the other's consent, by the use of widely
21 dangerous means; or

1 (b) The person intentionally damages the property of
2 another, without the other's consent, in an amount
3 exceeding \$500[-]; or

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

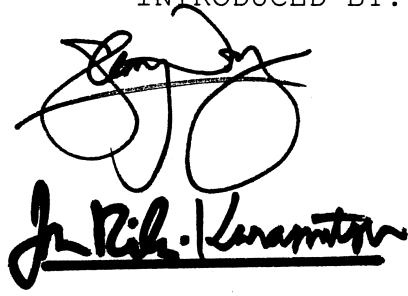
7 SECTION 6. This Act does not affect rights and duties that
8 matured, penalties that were incurred, and proceedings that were
9 begun, before its effective date.

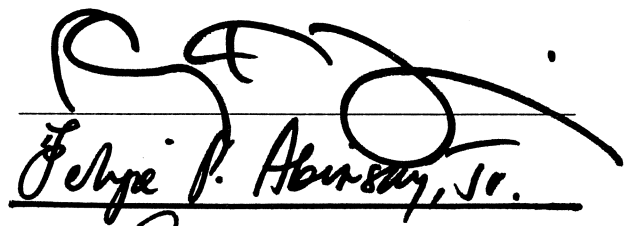
10 SECTION 7. Statutory material to be repealed is bracketed
11 and stricken. New statutory material is underscored.

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

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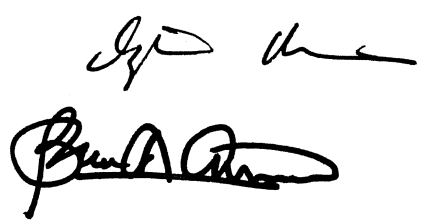
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HB 2869

Report Title:

Criminal Property Damage; Agriculture and Aquaculture

Description:

Adds damage to agricultural or aquacultural property to offense of criminal property damage.

