

Honolulu, Hawaii

March 3, 2006

RE: H.B. No. 2772
H.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 2772 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL PROPERTY DAMAGE TO AGRICULTURAL AND AQUACULTURAL PROPERTY,"

begs leave to report as follows:

The purpose of this bill is to reduce agricultural and aquacultural theft and vandalism by establishing penalties for these crimes, based on the value of the property damage inflicted. Under this bill, a person who intentionally or knowingly damages the agricultural or aquacultural property of another, without the other's consent, commits the offense of criminal property damage in:

- (1) The first degree if the value of the damage inflicted exceeds \$1,500;
- (2) The second degree if the value of the damage inflicted exceeds \$500; and
- (3) The third degree for other damage inflicted.

The Department of Agriculture, Department of the Prosecuting Attorney of the City and County of Honolulu, Alexander & Baldwin, Inc., Hawaiian Commercial & Sugar Company, Hawaii Agriculture Research Center, Hawaii Aquaculture Association, Hawaii Crop Improvement Association, Hawaii Farm Bureau Federation, Maui

HB2772 HD1 HSCR JUD HMS 2006-2583



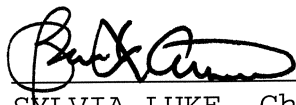
County Farm Bureau, Maui Land & Pineapple Company, Inc., Meadow Gold Dairies, Pineapple Growers Association of Hawaii, and Quality Turfgrass testified in support of this bill. The Office of the Public Defender opposed this measure.

Your Committee has amended this bill by:

- (1) Deleting the findings and purpose section;
- (2) Changing the type of property damaged, from agricultural or aquacultural equipment, supplies, and products to crops, including trees, bushes, or any other plant, and livestock;
- (3) In regard to determining the degree of the offense:
 - (A) Basing the determination on the amount of the damage caused rather than the value of the damaged item; and
 - (B) Removing the value of future crops from the calculation of the amount of damage;
- (4) Changing the effective date to July 1, 2069, to encourage further discussion; and
- (5) Making technical, nonsubstantive amendments for style, clarity, and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2772, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 2772, H.D. 1.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,

for 
SYLVIA LUKE, Chair



