

Honolulu, Hawaii

April 7, 2006

RE: S.B. No. 2492  
S.D. 1  
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 S.B. No. 2492, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO OFFENSES AGAINST PROPERTY RIGHTS,"

begs leave to report as follows:

The purpose of this bill is to extend the application of the offense of criminal property damage to the intentional or knowing damaging of agricultural and aquacultural equipment, supplies, and products.

The Department of Agriculture, Honolulu Department of Prosecuting Attorney, Hawaii Farm Bureau Federation, Hawaii Crop Improvement Association, Hawaii Aquaculture Association, Pineapple Growers Association of Hawaii, Alexander & Baldwin, Inc., Hawaiian Commercial & Sugar Company, Meadow Gold Dairies, and a concerned individual testified in support of this bill. The Hawaii Agriculture Research Center supported the intent of this measure. The Office of the Public Defender opposed this bill.

Upon careful consideration, your Committee has amended this bill by replacing its contents with the language of H.B. No. 2772 H.D. 1, and deleting the section amending criminal property damage in the third degree. As amended:



- (1) A person who intentionally or knowingly damages the agricultural or aquacultural crops, including trees, bushes, or any other plant, or livestock of another, without the other's consent, commits the offense of criminal property damage in:
  - (A) The first degree if the amount of the damage inflicted exceeds \$1,500; and
  - (B) The second degree if the amount of the damage inflicted exceeds \$500;and
- (2) The effective date of the bill has been changed to July 1, 2069.

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 S.B. No. 2492, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2492, S.D. 1, H.D. 1.

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

for   
SYLVIA LUKE, Chair



