

STAND. COM. REP. NO.

3021

Honolulu, Hawaii

MAR 22 2006

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

Honorable Robert Bunda
President of the Senate
Twenty-Third State Legislature
Regular Session of 2006
State of Hawaii

Sir:

Your Committee on Water, Land, and Agriculture, to which was referred H.B. No. 2772, H.D. 1, 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 measure is to increase criminal penalties for damage to agricultural and aquacultural crops.

Testimony in support of this measure was submitted by the Department of Agriculture; the City and County of Honolulu's Department of the Prosecuting Attorney; Alexander & Baldwin, Inc.; C&H Farms; the Hawaii Agriculture Research Center; the Hawaii Aquaculture Association; the Hawaii Crop Improvement Association; the Hawaii Farm Bureau; the Hawaii Tropical Fruit Growers Association; the Maui County Farm Bureau; Meadow Gold Dairies; and the Pineapple Growers Association of Hawaii.

Your Committee finds that increasing the penalties for criminal property damage offenses is consistent with the great impact that these crimes have on Hawaii's agricultural industry and the ability of individual farmers and ranchers to earn a living. This measure strengthens the penalties for criminal property damage by recognizing the actual loss of agricultural and aquacultural property suffered by farmers and ranchers as a result of the criminal actions and imposes the appropriate penalties.



Your Committee noted testimony from the City and County of Honolulu's Department of the Prosecuting Attorney's Office recommending that this measure be replaced with S.B. No. 2492, S.D. 1, which also strengthens the penalties for criminal property damages. S.B. No. 2492, S.D. 1 specifically includes a definition of aquacultural equipment, supplies, and products and permits an enhanced offense for damages made to agricultural and aquacultural equipment, supplies, and products.

The Prosecuting Attorney's Office also recommended that a portion of this measure, H.B. 2772, H.D.1, be retained. Specifically, the Prosecuting Attorney's Office supports the clarification that "products" may include trees, bushes, or any other plants and livestock of another. This clarifying provision makes it absolutely clear that damages to these items are included in the criminal property damage offenses. Your Committee has adopted the suggestions made by the Prosecuting Attorney's Office and has amended this measure accordingly.

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

Respectfully submitted on
behalf of the members of the
Committee on Water, Land, and
Agriculture,

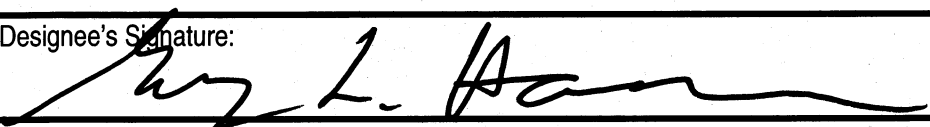


RUSSELL S. KOKUBUN, Chair



The Senate
Twenty-Third Legislature
State of Hawaii

Record of Votes of the
Committee on Water, Land and Agriculture
(Bills and Resolutions)

Measure:* <i>HB 2772 HDI</i>	Committee Referral: <i>WCA, JHW</i>	Date: <i>3/13/06</i>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is to:				
<input type="checkbox"/> Pass, unamended (2312) <input checked="" type="checkbox"/> Pass, with amendments (2311) <input type="checkbox"/> Hold (2310) <input type="checkbox"/> Recommit (2313)				
Members	Ayes	Ayes(WR)	Nays	Excused
KOKUBUN, Russell S. (C)	✓			
HOOSER, Gary L. (VC)	✓			
ENGLISH, J. Kalani	✓			
FUKUNAGA, Carol				
HEMMINGS, Fred				
TOTAL	<i>3</i>			<i>2</i>
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

*Do not list more than one measure per Record of Votes.