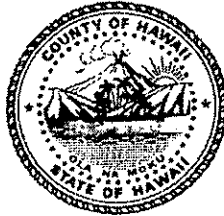


JAY T. KIMURA
PROSECUTING ATTORNEY

CHARLENE Y. IBOSHI
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KĪLAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908
(808) 934-3403
(808) 934-3503

WEST HAWAII UNIT
81-980 HALEKĪĪ ST., SUITE 150
KEALAKEKUA, HAWAII 96750
PH: (808) 322-2552
FAX: (808) 322-6584

OFFICE OF THE PROSECUTING ATTORNEY

House Committee on Judiciary

Representative Gilbert S.C. Keith-Agaran, Chair
Representative Karl Rhodes, Vice Chair

March 3, 2011

2:30 p.m.

State Capitol, Conference Room 329

LATE TESTIMONY

Representative Keith-Agaran and Members of the Committees:

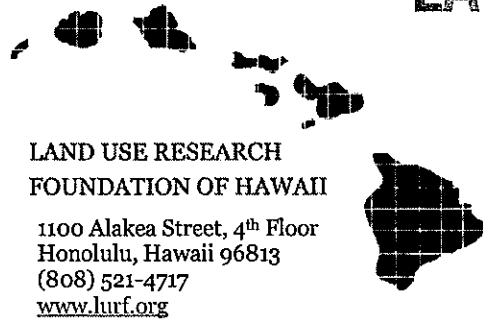
The Hawaii County Office of the Prosecuting Attorney strongly supports House Bill 1524. This Bill will only apply to those caught on agricultural premises with more than five pounds of agricultural product.

We have dealt with many of these cases on the Island of Hawaii relating to agricultural theft. Generally, these cases have a similar fact pattern, a farmer catches someone on the farmer's property (generally late at night), and the thief has a bag of produce on the ground. Many times the thief does not choose the best fruit and often times does damage to the trees. If the farmer catches the thief too soon (i.e. with less than 25 pounds of product) the crime is a petty misdemeanor because the value is under \$100. With this additional amendment under the agricultural theft law, prosecutions relating to agricultural theft will be less complicated.

Agricultural theft is a serious problem on the Island of Hawaii causing economic hardship and massive losses of agricultural products. Therefore, the Hawaii County Office of the Prosecuting Attorney strongly supports House Bill 1524.

Thank you for the opportunity to testify on this important matter.

LATE TESTIMONY



LAND USE RESEARCH
FOUNDATION OF HAWAII

1100 Alakea Street, 4th Floor
Honolulu, Hawaii 96813
(808) 521-4717
www.lurf.org

March 2, 2011

Representative Gilbert S.C. Keith-Agaran, Chair and Representative Karl Rhoads, Vice Chair
House Committee on Judiciary

Support for HB 1524, HD1, Relating to Agricultural Theft. (Possession; Prima Facie Evidence)

Thursday, March 3, 2011 at 2:30 p.m. in CR 329

My name is Dave Arakawa, and I am the Executive Director of the Land Use Research Foundation of Hawaii (LURF), a private, non-profit research and trade association whose members include major Hawaii landowners, developers and a utility company. One of LURF's missions is to advocate for reasonable, rational and equitable land use planning, legislation and regulations that encourage well-planned economic growth and development, while safeguarding Hawaii's significant natural and cultural resources and public health and safety.

LURF appreciates the opportunity to provide testimony **in support of the intent of HB 1524, HD 1** and to offer comments.

HB 1524, HD 1. This bill proposes to amend Hawaii Revised Statutes (HRS) Section 708-831 to establish that possession of more than five pounds of an agricultural product grown on the premises is prima facie evidence that the product has been stolen, unless a bill of sale is provided. The effective date of the bill is July 1, 2020.

LURF's Position. This bill's proposed revision to the HRS agricultural theft law is intended to deter this type of theft by establishing that the possession of more than five pounds of an agricultural product while on the premises and without consent of the owner is **prima facie evidence** that the product has been stolen, unless a bill of sale is provided.

LURF concurs with the intent of HB 1524, HD 1, which is to protect farmers who have been the victims of agricultural theft for years and have reportedly suffered losses totaling millions of dollars. However, while the measure is intended to, and should enable prosecutors to build stronger cases against perpetrators, there is concern about the practical aspects of the law, including implementation and enforcement, as it is already difficult for law enforcement agencies to enforce the agricultural theft laws currently in effect. LURF understands that Oahu farmers have initiated contact with the Honolulu Police Department to work toward more effective enforcement efforts.

LURF therefore **supports the intent of HB 1524, HD 1**, however, understanding the importance of the issue raised by the bill, as well as the issues relating to the enforcement of the agricultural theft laws, LURF respectfully requests that the bill be held in Committee to allow stakeholders, including, but not limited to farmers, government agencies (including the

Committee on Judiciary
March 2, 2011
Page 2

prosecutors' office), law enforcement agencies, legal experts and other interested parties to continue to meet and work together to come to a consensus regarding the provisions of HB 1524, HD.

Thank you for the opportunity to present testimony regarding this matter.



Hawaii Farm Bureau
F E D E R A T I O N

2343 Rose Street • Honolulu, Hawaii 96819
Phone: (808) 848-2074 • Neighbor-Islands: (800) 482-1272
Fax: (808) 848-1921 • Email: info@hfbf.org
www.hfbf.org

March 3, 2011

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY

TESTIMONY ON HB1524, HD1
RELATING TO AGRICULTURAL THEFT

Room 329
2:30 PM

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committees:

The Hawaii Farm Bureau Federation (HFBF), the largest non-profit agriculture advocacy organization in the state with approximately 1,600 farm and ranch family members **supports** HB 1524, HD1, which seeks strengthen Hawaii's agricultural theft law by establishing that possession of more than five pounds of an agricultural product grown on the premises is prima facie evidence that the product has been stolen, unless a bill of sale is provided.

Agricultural theft is one of the most complex and frustrating issues that our farmers and ranchers face. According to the Hawaii Agricultural Statistic Service, it is estimated that farmers and ranchers lose \$1.9 million per year due to agricultural theft. While agricultural products are being stolen on a consistent basis, it is equally devastating for Hawaii's farmers and ranchers when their equipment and supplies are also stolen from their property.

Agricultural theft can be tough to prove and even tougher to prosecute. While we agree that this measure may not resolve implementation of our current agricultural theft laws or enforcement efforts, it will provide the prosecutors another tool to help prosecute individuals suspected of agricultural theft. HFBF continues to work with both the police and prosecutors office to find ways we can work together to help deter, apprehend, and convict individuals that are committing agricultural theft.

Thank you for this opportunity to testify in support of this measure.

LATE TESTIMONY

NEIL ABERCROMBIE
Governor



State of Hawaii
DEPARTMENT OF AGRICULTURE
1428 South King Street
Honolulu, Hawaii 96814-2512

RUSSELL S. KOKUBUN
Chairperson, Board of Agriculture

JAMES J. NAKATANI
Deputy to the Chairperson

TESTIMONY OF RUSSELL KOKUBUN
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY
THURSDAY, MARCH 3, 2011
2:30 P.M.
CONFERENCE ROOM 329

HOUSE BILL NO. 1524 HD 1
RELATING TO AGRICULTURE

LATE TESTIMONY

Chairperson Keith-Agaran and Members of the Committee:

Thank you for the opportunity to testify on House Bill No. 1524 HD1, which proposes to establish under the agricultural theft law, that possession of more than five pounds of an agricultural product grown on the premises is prima facie evidence that the product has been stolen unless a bill of sale is stolen. The department supports the intent of this bill.

The reported losses, as documented by a statewide survey of farmers conducted by the Department of Agriculture, USDA, and the Hawaii Farm Bureau, totaled millions of dollars. The proposed amendment allows for the prosecutors to develop stronger legal cases relating to agricultural theft.

Thank you for the opportunity to testify on this measure.

