
A BILL FOR AN ACT

RELATING TO AGRICULTURAL COMMODITIES.

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

1 SECTION 1. Section 145-22, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§145-22 Agricultural commodities; ownership and movement**
4 **certification.** (a) Every person, upon sale of any agricultural
5 commodity or upon transportation of lots of any agricultural
6 commodity of more than two hundred pounds or with a value of at
7 least \$100 that is marketed for commercial purposes, shall
8 complete a certificate [~~describing~~] that describes the commodity
9 and the amount and value of the commodity, and [~~indicating~~]
10 includes:

11 (1) The [~~seller, owner, buyer, or consignee,~~] seller's
12 name, residence address, and telephone number, and the
13 license plate number of any vehicle used by the seller
14 to deliver the commodity to the place of purchase;

15 (2) The name of the farm owner and address of origin;
16 [~~and~~]

17 (3) The name of the buyer or consignee, and
18 destination[-]; and



1 (4) The signature of the seller and, upon sale, the
2 signature of the buyer or consignee.

3 (b) Prior to completing the certificate, the buyer or
4 consignee shall also require the seller to verify the seller's
5 identity by having the seller present a valid photo
6 identification card or license issued to the seller by a federal
7 or state government agency. If the commodity being offered for
8 sale has a value of \$300 or more, the seller shall also provide
9 the buyer with a photocopy of the identification card or license
10 of the seller.

11 (c) No prospective buyer or consignee shall purchase an
12 agricultural commodity from a seller if the seller does not
13 provide a copy of the ownership and movement certification and
14 verification of identity as required by subsections (a) and (b).
15 Every prospective buyer or consignee shall report an attempted
16 sale that does not meet the requirements of subsections (a) and
17 (b) to the police.

18 (d) Two copies of the certificate shall accompany the
19 shipment, and [a] one copy each shall be retained by [~~the person~~
20 ~~completing the certificate.~~] the seller and the buyer or
21 consignee. One of the copies of the certificate shall be
22 presented upon request to a state or county law enforcement



1 officer or other officer, employee, or any other person [as
2 ~~described in section 145-25.~~] authorized and designated by the
3 board of agriculture to investigate and enforce this chapter and
4 all rules adopted by the department pursuant to this chapter.

5 [~~b~~] (e) This section shall not apply to the retail sale
6 of an agricultural commodity to the final consumer."

7 SECTION 2. Section 145-23, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "**§145-23 Lack of proof of ownership as a violation.** The
10 failure of any person who sells, transports, or possesses after
11 sale or transport, agricultural commodities to maintain a
12 certificate of ownership or other written proof of ownership of
13 the agricultural commodity, as described in section 145-22, is a
14 violation of this part[-] and is also prima facie evidence of an
15 offense under section 708-831(1)(e)."

16 SECTION 3. Section 708-831, Hawaii Revised Statutes, is
17 amended by amending subsection (1) to read as follows:

18 "(1) A person commits the offense of theft in the second
19 degree if the person commits theft:

20 (a) Of property from the person of another;

21 (b) Of property or services the value of which exceeds

22 \$300;



- 1 (c) Of an aquacultural product or part thereof from
2 premises that is fenced or enclosed in a manner
3 designed to exclude intruders or where there is
4 prominently displayed on the premises a sign or signs
5 sufficient to give notice and reading [~~as follows:~~]
6 "Private Property"; [~~or~~]
- 7 (d) Of agricultural equipment, supplies, or products, or
8 part thereof, the value of which exceeds \$100 but does
9 not exceed \$20,000, or of agricultural products that
10 exceed twenty-five pounds, from premises that are
11 fenced, enclosed, or secured in a manner designed to
12 exclude intruders or where there is prominently
13 displayed on the premises a sign or signs sufficient
14 to give notice and reading [~~as follows:~~] "Private
15 Property" [~~—The~~]; provided that the sign or signs,
16 containing letters not less than two inches in height,
17 shall be placed along the boundary line of the land in
18 a manner and in such position as to be clearly
19 noticeable from outside the boundary line. Possession
20 of agricultural products without ownership and
21 movement certificates, when a certificate is required



1 pursuant to chapter 145, is prima facie evidence that
2 the products are or have been stolen[-]; or
3 (e) Of agricultural commodities for which the person has
4 failed to maintain a certificate of ownership as
5 required pursuant to section 145-22. Possession of
6 agricultural commodities without ownership and
7 movement certificates, when a certificate is required
8 pursuant to section 145-22, is prima facie evidence
9 that the products are or have been stolen."

10 SECTION 4. This Act does not affect rights and duties that
11 matured, penalties that were incurred, and proceedings that were
12 begun before its effective date.

13 SECTION 5. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 6. This Act shall take effect on January 20, 2020.



Report Title:

Agricultural Commodities; Criminal Penalties

Description:

Requires proof of identification from sellers of agricultural commodities. Makes theft of agricultural commodities an offense of theft in the second degree and establishes lack of ownership or movement certificates as prima facie evidence of the theft. Effective January 20, 2020. (SB2354 HD2)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

