

Honolulu, Hawaii

April 5, 2012

RE: S.B. No. 2354
S.D. 1
H.D. 2

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2012
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2354, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES,"

begs leave to report as follows:

The purpose of this measure is to deter agricultural theft by, among other things:

- (1) Including additional detail required upon ownership and movement certification for agricultural commodities;
- (2) Increasing the verification requirements for sellers of agricultural commodities presenting ownership and movement certification to buyers or consignees;
- (3) Converting violations for failure to maintain a certificate of ownership or other written proof of ownership of agricultural commodities into criminal offenses; and
- (4) Making theft of agricultural commodities an offense of theft in the second degree and establishing lack of ownership and movement certificates as prima facie evidence of theft.



The Hawaii Farm Bureau Federation; W. H. Shipman, Ltd.; and several concerned individuals supported this bill. The Department of Agriculture supported the intent of this measure. The Department of the Attorney General provided comments.

Your Committee has amended this measure by:

- (1) Deleting sections 3, 4, 6, and 7 of the bill amending sections 145-25 and 145-27, Hawaii Revised Statutes, and repealing sections 145-26 and 145-28, Hawaii Revised Statutes, respectively;
- (2) Expanding the offense of theft in the second degree to include the theft of all agricultural commodities, rather than just those marketed for commercial purposes; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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. 2354, S.D. 1, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2354, S.D. 1, H.D. 2.

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


GILBERT KEITH-AGARAN, Chair



