

STAND. COM. REP. NO.

2497

Honolulu, Hawaii

MAR 01 2012

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

Honorable Shan S. Tsutsui  
President of the Senate  
Twenty-Sixth State Legislature  
Regular Session of 2012  
State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred  
S.B. No. 2354 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to establish  
criminal penalties for failure to maintain a certification of  
ownership or other written proof of ownership of agricultural  
commodities.

Your Committee received testimony in support of this measure  
from the Hawaii Farm Bureau Federation and the Hawaii Farmers  
Union United. The Department of Agriculture submitted comments.

Your Committee finds that agricultural theft is a serious  
problem for many farmers in the State and existing laws are not  
stringent enough to stop potential thieves. This measure may  
serve as a greater deterrent of agricultural theft by making the  
failure to maintain certificates of ownership or other written  
proof of ownership of agricultural commodities a criminal offense.

Your Committee has amended this measure by:

- (1) Strengthening existing law to require that the  
certificate required to be completed upon each sale  
transaction of an agricultural commodity also include  
the amount and value of the commodity; seller's name,  
address, telephone number, and license plate number of

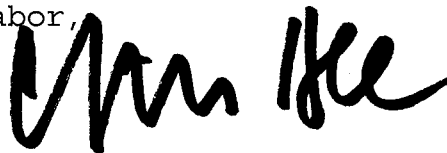


any vehicle used to deliver the commodity; farm owner's name and address of origin; buyer's or consignee's name; seller's signature; and buyer's or consignee's signature;

- (2) Making theft of agricultural commodities marketed for commercial purposes and for which a person has failed to maintain a certificate of ownership an offense of theft in the second degree;
- (3) Establishing failure to retain the required certificate of ownership while in possession of agricultural commodities as prima facie evidence of theft in the second degree;
- (4) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2354, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2354, S.D. 1.

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



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CLAYTON HEE, Chair



