

MAR 13 2013

SENATE CONCURRENT RESOLUTION

REQUESTING THE ESTABLISHMENT OF AN AGRICULTURAL THEFT TASK
FORCE.

1 WHEREAS, theft of agricultural equipment, supplies, or
2 products valued at more than \$20,000 is prosecutable as a Class
3 B felony; theft of such items valued at more than \$100 and up to
4 \$20,000 is prosecutable as a Class C felony; and theft of such
5 items valued at \$100 or less is prosecutable as a misdemeanor;
6 and
7

8 WHEREAS, theft of agricultural commodities generally known
9 to be marketed for commercial purposes, or theft of more than
10 twenty-five pounds of agricultural products, are also
11 prosecutable as a Class C felony; and
12

13 WHEREAS, Act 125, Session Laws of Hawaii, 2012, among other
14 matters, requires a person convicted of agricultural theft to
15 make payment to the property owner for the cost of replanting
16 the agricultural product or commodity, in addition to
17 restitution for the value of the stolen agricultural product or
18 commodity; and
19

20 WHEREAS, according to a KHON 2 News report, in spite of the
21 above penalties, Hawaii's farmers continue to face the serious
22 ongoing problem of agricultural theft; and
23

24 WHEREAS, law enforcement officials have noted a lack of the
25 reporting of incidents due to victims' fears of retaliation,
26 language barriers where English is spoken as a second language,
27 and the difficulty in proving culpability; and
28

29 WHEREAS, law enforcement officers face challenges in
30 pursuing suspects, given the difficulty of navigating the
31 unmarked roads in rural areas where many farms are located; and
32



1 WHEREAS, there is support in the agricultural community to
2 discourage agricultural theft; now, therefore,

3
4 BE IT RESOLVED by the Senate of the Twenty-seventh
5 Legislature of the State of Hawaii, Regular Session of 2013, the
6 House of Representatives concurring, that the Department of
7 Agriculture create and oversee an Agricultural Theft Task Force;
8 and
9

10 BE IT FURTHER RESOLVED that, more specifically, the Task
11 Force is requested to design a proposed Agricultural Theft
12 Awareness and Prevention Program, to be submitted to the
13 Legislature; and
14

15 BE IT FURTHER RESOLVED that, in designing such a Program,
16 the Task Force is requested to consider the feasibility and
17 likely effectiveness of potential components of the Program,
18 including, but not limited to:
19

- 20 (1) A system, on the Internet or through other means, that
21 facilitates speedy communication between owners and
22 workers of agricultural properties, law enforcement,
23 the Department of Agriculture, and other parties
24 regarding suspected agricultural theft;
25
26 (2) The use of a standardized electronic agricultural
27 crime reporting form, with check boxes to facilitate
28 completion of the form;
29
30 (3) Classes for owners and workers of agricultural
31 properties to learn about email, text, and messaging,
32 for the purpose of training those individuals to
33 instantly communicate concerns and other information
34 about alleged incidents of agricultural theft;
35
36 (4) The provision of funding for increased patrols from
37 law enforcement;
38
39 (5) The provision of navigational devices for law
40 enforcement, for the purpose of reducing the amount of
41 travel time involved in pursuing cases of agricultural
42 theft;
43



- 1 (6) The training of law enforcement officers in the most
2 prevalent non-English languages used by owners and
3 workers of agricultural properties, for the purpose of
4 easing language barriers when alleged crimes are
5 reported;
- 6
- 7 (7) The training of owners and workers of agricultural
8 properties to use English, for the purpose of easing
9 language barriers when alleged crimes are reported;
- 10
- 11 (8) The creation of public service announcements about the
12 devastating impact of agriculture-related crimes on
13 farmers and the criminal penalties for committing
14 them; and
- 15
- 16 (9) The procurement of the services of private entities to
17 facilitate any implemented aspects of the program,
18 except for those aspects that only law enforcement
19 should implement; and
- 20

21 BE IT FURTHER RESOLVED that the Task Force Membership is
22 requested to include at least the following:

- 23
- 24 (1) The Director of Agriculture, or that director's
25 designee;
- 26
- 27 (2) The Director of Public Safety, or that director's
28 designee;
- 29
- 30 (3) The Attorney General, or the Attorney General's
31 designee;
- 32
- 33 (4) The Director of Finance, or that director's designee;
- 34
- 35 (5) The Chair of the Senate Committee on Agriculture;
- 36
- 37 (6) The Chair of the Senate Committee on Public Safety,
38 Intergovernmental, and Military Affairs;
- 39
- 40 (7) The Chair of the House Committee on Agriculture;
- 41
- 42 (8) The Chair of the House Committee on Public Safety; and
- 43



1 (9) One representative of each of the Police Departments
2 of the Counties of Kauai, Maui, and Hawaii, and the
3 City and County of Honolulu; and
4

5 BE IT FURTHER RESOLVED that the Department of Agriculture
6 is requested to submit a report to the Legislature no later than
7 twenty days prior to the convening of the Regular Session of
8 2014, containing the Task Force's proposed Agricultural Theft
9 Awareness and Prevention Program, including any proposed
10 legislation; and
11

12 BE IT FURTHER RESOLVED that the task force is requested to
13 be dissolved on June 30, 2014; and
14

15 BE IT FURTHER RESOLVED that certified copies of this
16 Concurrent Resolution be transmitted to the Director of
17 Agriculture; the Director of Public Safety; the Attorney
18 General; the Director of Finance; and the Chiefs of Police of
19 the counties within the State.
20
21
22

OFFERED BY: Clarence K. Nishihara

