

STAND. COM. REP. NO. **2616**

Honolulu, Hawaii

MAR 02 2018

RE: S.B. No. 3033
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Ninth State Legislature
Regular Session of 2018
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3033 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify and strengthen the existing agricultural theft law to allow for the protection of agricultural products raised or produced by all people in the State.

Your Committee received testimony in support of this measure from the Department of Agriculture; Office of the Prosecuting Attorney, County of Hawaii; Hawaii County Councilmember Eileen O'Hara; Ulupono Initiative; David S. De Luz, Sr. Enterprises, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received comments on this measure from the Hawai'i Farm Bureau.

Your Committee finds that agricultural theft and vandalism are serious and ongoing problems, with farmers and residents reporting theft of crops, animals, equipment, and tools, and vandalized fences and gates. Your Committee further finds that the courts have limited the crime of agricultural theft by interpreting that the crime only includes theft of products maintained by a commercial agricultural enterprise or research agency while owned by the enterprise or agency, which leaves



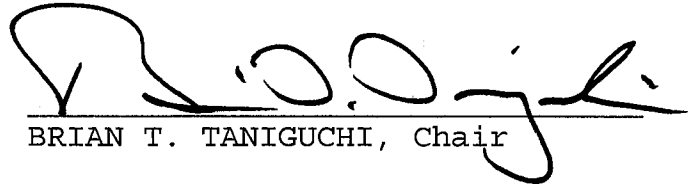
residents who grow agricultural products for their own consumption, to be given as gifts, or to be sold at local markets without full legal recourse options if they are the victims of theft. This measure corrects the existing loophole in the law to ensure thieves are prosecuted.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (2) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3033, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3033, S.D. 1.

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



BRIAN T. TANIGUCHI, Chair



