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Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT**

**JANUARY 31, 2018  
1:30 P.M.  
CONFERENCE ROOM 224**

**SENATE BILL NO. 3033  
RELATING TO AGRICULTURAL THEFT**

Chairperson Gabbard and Members of the Committee:

Thanks for the opportunity to testify on Senate Bill No.3033 relating to agricultural theft. This bill removes the reference to “commercial” relating to the theft of agricultural equipment, supplies or products and strengthens property right protections for persons who produce agricultural products on private residential properties. The Department supports this bill.

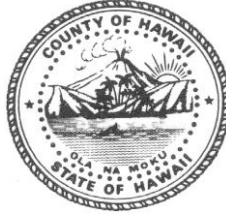
The Department has contracted with the County of Hawaii Prosecuting Attorney’s office to investigate theft occurrences agricultural equipment, supplies and products. The Department also recognizes the importance of prosecuting these theft cases, whether it occurred on agricultural or residential properties. The proposed amendments expand the ability to prosecute agricultural theft occurrences to not only agricultural land.

Thank you for the opportunity to testify on this measure.



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## **OFFICE OF THE PROSECUTING ATTORNEY**

TESTIMONY IN SUPPORT OF SENATE BILL 3033

A BILL RELATING TO AGRICULTURAL THEFT

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Gil Riviere, Vice Chair

Wednesday, January 31, 2018, 1:30 P.M.

State Capitol, Conference Room 224

Honorable Chair Gabbard, Vice-Chair Riviere and Members of the Committee on Agriculture and Environment. The Office of the Prosecuting Attorney, County of Hawai'i submits the following testimony in support of Senate Bill No. 3033.

This important measure clarifies and strengthens existing law to allow for property right protections for persons who produce agricultural products on private residential property.

Agricultural theft is not only a critical problem for Hawai'i's commercial farming operations, but also theft of agricultural equipment, supplies, or products is an increasing and critical problem for residential and small-scale backyard gardening and farming operations. On the island of Hawaii, a significant portion of agriculturally productive land is held in parcels ranging from .5 to 3 acres in size. Representing a substantial percentage of food production, the agricultural products grown and harvested from these smaller residential and/or small-scale farming properties are used to supplement the grower's own food supply, used as gifts for others, or are sold at local markets or roadside stands.

While State law currently addresses the importance of protecting commercially grown agricultural products from theft, Senate Bill 3033 serves to better protect all persons engaging in farming in the State. Senate Bill 3033 protects the investments made by small scale farmers and their valuable contribution to the State's food supply.

The Office of the Prosecuting Attorney, County of Hawai'i strongly supports the passage of Senate Bill No. 3033. Thank you for the opportunity to testify on this matter.

**SB-3033**

Submitted on: 1/26/2018 12:15:44 PM

Testimony for AEN on 1/31/2018 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
John R. Gordines	Hawaii Floriculture & Nursery Ass.	Support	No

Comments:



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January 31, 2018

HEARING BEFORE THE  
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

**TESTIMONY ON SB 3033**  
RELATING TO AGRICULTURAL THEFT

Room 224  
1:30 PM

Aloha Chair Gabbard, Vice Chair Riviere, and Members of the Committee:

I am Randy Cabral, President of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,900 farm family members statewide, and serves as Hawaii's voice of agriculture to protect, advocate and advance the social, economic and educational interests of our diverse agricultural community.

The Hawaii Farm Bureau **offers the following comments on SB 3033**, which would provide the same consequences for agricultural theft from a residential yard as from a commercial farmer who relies on farming to make a living.

While we agree with the proposed loosening of some of the burdensome signage requirements, and we agree that *any* theft of agricultural products is unacceptable, we are concerned that the expansion of the felony category to include even relatively minimal residential ag theft may result in competition for enforcement and prosecution for commercial farmers who cannot afford the loss of income.

Police officers responding to agricultural theft have advised our farmer-members that they are extremely short-staffed and that other, more serious crimes must take priority. As ag theft becomes more common across the islands, we would appreciate any legislative action to help the counties increase their police staffing.

Thank you for the opportunity to comment on SB 3033.



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SENATE COMMITTEE ON AGRICULTURE & ENVIRONMENT  
Wednesday, January 31, 2018 — 1:30 p.m. — Room 224

**Ulupono Initiative Strongly Supports SB 3033, Relating to Agricultural Theft**

Dear Chair Gabbard, Vice Chair Riviere, and Members of the Committee:

My name is Kyle Datta and I am General Partner of Ulupono Initiative, a Hawai'i-based impact investment firm that strives to improve the quality of life for the people of Hawai'i by working toward solutions that create more locally produced food; increase affordable, clean, renewable energy; and reduce waste. Ulupono believes that self-sufficiency is essential to our future prosperity and will help shape a future where economic progress and mission-focused impact can work hand in hand.

**Ulupono strongly supports SB 3033**, which expands the definition of agricultural theft, because it aligns with our goal of creating more locally produced food.

In our conversations with farmers and ranchers, one issue that keeps coming up is agricultural theft and how there is little enforcement and punishment for offenders. Agriculture on all islands is a prime target for thieves as there are often many open entry points, the growing is often located in rural and isolated areas, and punishments are minor relative to other crimes. For farmers and recreational growers, it is often prohibitively expensive to spend money on security infrastructure, monitoring, and manpower to defend their agricultural products. Since profit margins are already tight in the agricultural sector, increased ag theft could push more local farmers and ranchers out of the agricultural sector. Ultimately, this underrated issue is one that hurts our farmers and ranchers and undermines our ability to increase locally grown food.

As Hawai'i's local food issues become more complex and challenging, organizations need additional resources and support to address and overcome them. We appreciate these committees' efforts to look at policies that support local food production.

We believe that by collaborating, we can help produce more local food and support an economically robust homegrown agriculture industry, which strengthens our community with fresh, healthy food. Thank you for this opportunity to testify.

Respectfully,

*Investing in a Sustainable Hawai'i*



Kyle Datta  
General Partner

**SB-3033**

Submitted on: 1/30/2018 2:03:42 PM

Testimony for AEN on 1/31/2018 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Allen B Bartolome		Support	No

Comments:

**SB-3033**

Submitted on: 1/30/2018 8:23:02 PM

Testimony for AEN on 1/31/2018 1:30:00 PM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Oscar Jaitt	Fruit Lovers Nursery	Support	No

Comments:

I wish to voice my support of this bill. Many producers of agricultural products in Hawaii grow their produce in their backyards. Some commercial producers also store their produce at their homes in their garage or shed. In both these cases growers should be protected against all thefts of their precious produce. It is not right that the law as it now stands does not clearly protect such cases. Therefore the law should be amended to very clearly protect people under such circumstances.