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# A BILL FOR AN ACT

RELATING TO AGRICULTURE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 PART I

2 SECTION 1. The Hawaii Revised Statutes is amended by  
3 adding a new chapter to title 11 to be appropriately designated  
4 and to read as follows:

5 "CHAPTER

6 AGRICULTURAL THEFT ENFORCEMENT PROGRAM

7 § -1 Board of agriculture; powers and duties. The board  
8 of agriculture shall establish within the department of  
9 agriculture an agricultural theft enforcement program and shall  
10 employ or appoint, and remove, the following persons, subject to  
11 chapter 76 and section 78-1, who shall be provided with suitable  
12 badges or insignia of office by the department of agriculture:

13 (1) An enforcement chief of the department of agriculture,  
14 who shall be the head of the agricultural theft  
15 enforcement program and shall have charge, direction,  
16 and control, subject to the direction and control of  
17 the board of agriculture, of all matters relating to



1 the enforcement of the offense of theft of an  
2 agricultural product or commodity, pursuant to  
3 sections 708-830, 708-830.5, 708-831, 708-832,  
4 708-833, or 708-835.5, and any other matters as  
5 determined by the board of agriculture. The  
6 enforcement chief shall be an administrator  
7 experienced in addressing agricultural theft; and

- 8 (2) Personnel and enforcement officers of the agricultural  
9 theft enforcement program, including but not limited  
10 to enforcement officers on a voluntary basis and  
11 without pay.

12 **§ -2 Agricultural theft enforcement special fund;**

13 **established.** (a) There is hereby established in the state  
14 treasury a special fund known as the agricultural theft  
15 enforcement special fund, which shall be administered by the  
16 department of agriculture.

17 (b) The following shall be deposited into the agricultural  
18 theft enforcement special fund:

- 19 (1) Grants, awards, donations, gifts, transfers, or moneys  
20 derived from public or private sources for the  
21 purposes of enforcing the offense of theft of an



1 agricultural product or commodity pursuant to sections  
2 708-830, 708-830.5, 708-831, 708-832, 708-833, or  
3 708-835.5, or any other matters as determined by the  
4 board of agriculture;

5 (2) Fees, reimbursements, administrative charges, and  
6 penalties collected for activities related to the  
7 enforcement of laws and rules protecting agricultural  
8 products or commodities, except as otherwise provided  
9 by law that provides for deposits into other special  
10 funds administered by the department of agriculture;

11 (3) Moneys derived from interest, dividends, or other  
12 income from the above-mentioned sources; and

13 (4) Appropriations by the legislature to the special fund.

14 (c) The agricultural theft enforcement special fund shall  
15 be used for expenditures, including but not limited to:

16 (1) Training;

17 (2) Research;

18 (3) Equipment;

19 (4) Preparation and dissemination of information to the  
20 public;

21 (5) Data collection and development;



- 1 (6) Information technology;
- 2 (7) Safety;
- 3 (8) Wireless communication;
- 4 (9) Management;
- 5 (10) Travel;
- 6 (11) Equipment rental;
- 7 (12) Repairs;
- 8 (13) Planning;
- 9 (14) Information;
- 10 (15) Education;
- 11 (16) Operations;
- 12 (17) Maintenance functions authorized and deemed necessary
- 13 by the department of agriculture;
- 14 (18) Funding for consultants or contractual hires related
- 15 to the enforcement of the offense of theft of an
- 16 agricultural product or commodity pursuant to sections
- 17 708-830, 708-830.5, 708-831, 708-832, 708-833, or
- 18 708-835.5, or any other matters as determined by the
- 19 board of agriculture; and



1           (19) Work performed in cooperation with enforcement  
2                   authorities of the State, the counties, and the  
3                   federal government.

4           (d) The fund shall be held separate and apart from all  
5 other moneys, funds, and accounts in the department of  
6 agriculture, except that any moneys received from the federal  
7 government or from private contributions shall be deposited and  
8 accounted for in accordance with conditions established by the  
9 department of agriculture and agencies or persons from whom the  
10 moneys are received. Any balance remaining in the fund at the  
11 end of any fiscal year shall be carried forward in the fund for  
12 the next fiscal year.

13           § -3 **Board of agriculture, delegation of authority.** The  
14 board of agriculture may delegate to enforcement officers within  
15 the agricultural theft enforcement program any authority as may  
16 be required for enforcement of the offense of theft of an  
17 agricultural product or commodity pursuant to sections 708-830,  
18 708-830.5, 708-831, 708-832, 708-833, or 708-835.5, or any other  
19 matters as determined by the board of agriculture.



1       §   -4   **Agricultural theft enforcement officers, duties;**  
2 **other law enforcement officers.** (a) The agricultural theft  
3 officers shall:

4       (1) Enforce the offense of theft of an agricultural  
5           product or commodity pursuant to sections 708-830,  
6           708-830.5, 708-831, 708-832, 708-833, or 708-835.5;

7       (2) Investigate complaints, gather evidence, conduct  
8           investigations, and conduct field observations and  
9           inspections as required or assigned;

10      (3) Cooperate with enforcement authorities of the State,  
11          counties, and federal government in development of  
12          programs and mutual aid agreements for agricultural  
13          theft enforcement activities within the State; and

14      (4) Carry out other duties and responsibilities as  
15          determined by the board of agriculture.

16      (b) Every state and county officer charged with the  
17      enforcement of laws and ordinances shall enforce and assist in  
18      the enforcement of the offense of theft of an agricultural  
19      product or commodity pursuant to sections 708-830, 708-830.5,  
20      708-831, 708-832, 708-833, or 708-835.5, and any other matters  
21      as determined by the board of agriculture.



1 (c) The department of agriculture shall enter into  
2 memoranda of agreement with the division of conservation and  
3 resource enforcement of the department of land and natural  
4 resources, the sheriff division of the department of public  
5 safety, and each county police department as necessary to  
6 effectuate the purposes of this section.

7 **§ -5 Board of agriculture, police powers.** (a) The  
8 board of agriculture shall have police powers and may appoint  
9 and commission enforcement officers within the agricultural  
10 theft enforcement program. Persons appointed and commissioned  
11 under this section shall have and may exercise all of the powers  
12 and authority of a police officer, including the power of  
13 arrest, and in addition to enforcing the offense of theft of an  
14 agricultural product or commodity pursuant to sections 708-830,  
15 708-830.5, 708-831, 708-832, 708-833, or 708-835.5, and any  
16 other matters as determined by the board of agriculture, may  
17 enforce all other state laws and rules and county ordinances  
18 within all lands and waters of the State; provided that these  
19 powers shall remain in force and effect only while in actual  
20 performance of their duties, which shall include off-duty  
21 employment when that employment is for other state departments



1 or agencies. These enforcement officers shall consist of  
2 personnel whose primary duty is the enforcement of the offense  
3 of theft of an agricultural product or commodity pursuant to  
4 sections 708-830, 708-830.5, 708-831, 708-832, 708-833, or  
5 708-835.5, and any other matters as determined by the board of  
6 agriculture.

7 (b) An enforcement officer, upon arresting any person for  
8 violation of the offense of theft of an agricultural product or  
9 commodity pursuant to sections 708-830, 708-830.5, 708-831,  
10 708-832, 708-833, or 708-835.5, or other matters as determined  
11 by the board of agriculture, may immediately take the person  
12 arrested to a police station or before a district judge, or take  
13 the name and address of the person, and note the violation of  
14 the law or rule by the person, and issue the person a summons or  
15 citation, printed in the form described in section -6,  
16 warning the person to appear and to answer to the charge against  
17 the person at a certain place and time within seven days after  
18 the arrest. Any person failing to obey a summons issued  
19 pursuant to this section shall be subject to section -7.

20 § -6 **Summons or citation.** There shall be a form of  
21 summons or citation for use in citing violators of the offense





1 of theft of an agricultural product or commodity pursuant to  
2 sections 708-830, 708-830.5, 708-831, 708-832, 708-833, or  
3 708-835.5, or other matters as determined by the board of  
4 agriculture that does not mandate the physical arrest of the  
5 violators. The summons or citation shall be printed in a form  
6 commensurate with the form of other summons or citation used in  
7 modern methods of arrest and shall be so designed to include all  
8 necessary information to make it valid and legal within the laws  
9 and rules of the State. The form and content of the summons or  
10 citation shall be adopted or prescribed by the district courts.

11 In every case where a summons or citation is issued, the  
12 original of the same shall be given to the violator; provided  
13 that the district courts may prescribe the issuance to the  
14 violator of a copy of the summons or citation and provide for  
15 the disposition of the original and any other copies. Every  
16 summons or citation shall be consecutively numbered, and each  
17 copy shall bear the number of its respective original.

18 **§ -7 Failure to obey a summons.** Any person who fails to  
19 appear at the place and within the time specified in the summons  
20 or citation issued by the officers or their agents or  
21 subordinates, upon that person's arrest for violation of the



1 offense of theft of an agricultural product or commodity  
2 pursuant to sections 708-830, 708-830.5, 708-831, 708-832,  
3 708-833, or 708-835.5, or any other matters as determined by the  
4 board of agriculture, shall be guilty of a petty misdemeanor  
5 and, upon conviction, shall be fined not more than \$500 or be  
6 imprisoned not more than thirty days, or both.

7 If any person fails to comply with a summons or citation  
8 issued, or if any person fails or refuses to deposit bail as  
9 required and within the time permitted, the officers shall cause  
10 a complaint to be entered against the person and secure the  
11 issuance of a warrant for the person's arrest.

12 When a complaint is made to any prosecuting officer of the  
13 violation of the offense of theft of an agricultural product or  
14 commodity pursuant to sections 708-830, 708-830.5, 708-831,  
15 708-832, 708-833, or 708-835.5, or any other matters as  
16 determined by the board of agriculture, the officer who issued  
17 the summons or citation shall subscribe to it under oath  
18 administered by another official or officials of the department  
19 of agriculture whose names have been submitted to the  
20 prosecuting officer and who have been designated by the  
21 chairperson of the board of agriculture to administer the same.



1           §   -8   **Search and seizure; forfeiture of property.**   (a)  
2   Any police officer or agent of the department of agriculture  
3   upon whom the board of agriculture has conferred powers of  
4   police officers shall have the authority to conduct searches on  
5   probable cause as provided by law and to seize any equipment,  
6   article, instrument, aircraft, vehicle, vessel, business  
7   records, or agricultural product or commodity used or taken in  
8   violation of the provisions contained in sections 708-830,  
9   708-830.5, 708-831, 708-832, 708-833, or 708-835.5, or any other  
10  matters as determined by the board of agriculture.

11           (b)   Any equipment, article, instrument, aircraft, vehicle,  
12  vessel, business records, or agricultural product or commodity  
13  seized is subject to forfeiture pursuant to chapter 712A.  
14  Unless otherwise directed by the court pursuant to chapter 712A,  
15  any item, other than an agricultural product or commodity,  
16  seized shall be ordered forfeited to the State for disposition  
17  as determined by the department of agriculture; or may be  
18  destroyed, or may be kept and retained and utilized by the  
19  department of agriculture or any other state agency.  If not  
20  needed or required by the department of agriculture or other  
21  state agency, the forfeited items shall be disposed of as



1 provided by chapter 712A. Notwithstanding any other law to the  
2 contrary, any live agricultural product or commodity, including  
3 livestock, seized may be immediately returned to its owner or  
4 may be disposed of as determined by the department of  
5 agriculture; provided that if the agricultural product or  
6 commodity disposed of was unlawfully seized, the department of  
7 agriculture shall be liable to the owner for the fair market  
8 value of the items disposed of.

9 (c) The department of agriculture shall compile a list of  
10 all equipment, articles, instruments, aircraft, vehicles,  
11 vessels, or any agricultural products or commodities forfeited  
12 as provided in this section and shall publish the list in its  
13 annual report.

14 (d) Notwithstanding any other law to the contrary, the  
15 department of agriculture may sell or take actions to cause the  
16 sale of any perishable agricultural product or commodity that is  
17 seized to prevent the waste of the agricultural product or  
18 commodity and to ensure the economic value of the agricultural  
19 product or commodity. The department of agriculture may require  
20 the person or persons who took the agricultural product or  
21 commodity to sell the seized agricultural product or commodity



1 at fair market value. The department of agriculture may require  
2 any person purchasing any seized agricultural product or  
3 commodity to deliver the proceeds of the sale to the department  
4 of agriculture or its authorized representative. Any person who  
5 refuses to sell the seized agricultural product or commodity at  
6 fair market value or any person who fails to deliver the  
7 proceeds of the sale, as directed by the department of  
8 agriculture, shall be in violation of this subsection and  
9 punishable as provided by law.

10 The department of agriculture shall deposit and keep the  
11 proceeds of the sale in an interest bearing account until the  
12 suspected violation is settled between the person or persons who  
13 took the agricultural product or commodity, consignee or  
14 consignees, if any, and the department of agriculture. Should a  
15 settlement not be reached, the department of agriculture shall  
16 submit the proceeds of the sale to the court. The proceeds of  
17 the sale, after deducting any reasonable costs of the sale  
18 incurred by the department of agriculture, shall be subject to  
19 any administrative or judicial proceedings in the same manner as  
20 the seized agricultural product or commodity would have been,  
21 including an action in rem for the forfeiture of the proceeds.



1 Seizure and sale of an agricultural product or commodity is  
2 without prejudice to any other remedy or sanction authorized by  
3 law."

4 SECTION 2. Section 28-151, Hawaii Revised Statutes, is  
5 amended by amending the definition of "law enforcement officer"  
6 to read as follows:

7 "Law enforcement officer" means a sheriff, deputy sheriff,  
8 police officer, enforcement officer within the department of  
9 land and natural resources conservation and resources  
10 enforcement program, enforcement officer within the department  
11 of agriculture agricultural theft enforcement program,  
12 enforcement officer within the department of transportation  
13 harbors division, and any other employee of a state or county  
14 public body who carries a badge and firearm and has powers of  
15 arrest."

16 SECTION 3. Section 134-16, Hawaii Revised Statutes, is  
17 amended to read as follows:

18 "**§134-16 Restriction on possession, sale, gift, or**  
19 **delivery of electric guns.** (a) It shall be unlawful for any  
20 person, including a licensed manufacturer, licensed importer, or



1 licensed dealer, to possess, offer for sale, hold for sale,  
2 sell, give, lend, or deliver any electric gun.

3 (b) Any electric gun possessed, offered for sale, held for  
4 sale, sold, given, lent, or delivered in violation of subsection  
5 (a) shall be confiscated and disposed of by the chief of police.

6 (c) This section shall not apply to:

- 7 (1) Law enforcement officers of county police departments;  
8 (2) Law enforcement officers of the department of public  
9 safety;  
10 (3) Conservation and resources enforcement officers of the  
11 department of land and natural resources;  
12 (4) Members of the Army or Air National Guard when  
13 assisting civil authorities in disaster relief,  
14 emergency management, or law enforcement functions,  
15 subject to the requirements of section 121-34.5;  
16 (5) Law enforcement officers appointed by the director of  
17 transportation pursuant to section 266-24; ~~and~~  
18 (6) Vendors providing electric guns to the individuals  
19 described in paragraphs (1) through (5); and  
20 (7) Agricultural theft enforcement officers of the  
21 department of agriculture;



1 provided that electric guns shall at all times remain in the  
2 custody and control of the law enforcement officers of the  
3 county police departments, the law enforcement officers of the  
4 department of public safety, the conservation and resources  
5 enforcement officers of the department of land and natural  
6 resources, the members of the Army or Air National Guard, [~~or~~]  
7 law enforcement officers appointed by the director of  
8 transportation[-], or the agricultural theft enforcement  
9 officers of the department of agriculture.

10 (d) The county police departments of this State, [~~the~~]  
11 department of public safety, [~~the~~] department of land and  
12 natural resources, [~~the~~] army and air national guard, [~~and the~~]  
13 department of transportation, and department of agriculture  
14 shall maintain records regarding every electric gun in their  
15 custody and control. The records shall report every instance of  
16 usage of the electric guns; in particular, records shall be  
17 maintained in a similar manner as for those of discharging of  
18 firearms. The county police departments, [~~the~~] department of  
19 public safety, [~~the~~] department of land and natural resources,  
20 [~~the~~] army and air national guard, [~~and the~~] department of  
21 transportation, and department of agriculture shall annually





1 report to the legislature regarding these records no later than  
2 twenty days before the beginning of each regular session of the  
3 legislature.

4 (e) The department of agriculture, department of land and  
5 natural resources, [~~the~~] department of public safety, and [~~the~~]  
6 department of transportation shall ensure that each of its  
7 conservation and resources enforcement officers and law  
8 enforcement officers who is authorized to use an electric gun  
9 and related equipment shall first receive training from the  
10 manufacturer or from a manufacturer-approved training program,  
11 as well as by manufacturer-certified or approved instructors in  
12 the use of electric guns prior to deployment of the electric  
13 guns and related equipment in public. Training for agricultural  
14 theft enforcement officers of the department of agriculture,  
15 conservation and resources enforcement officers of the  
16 department of land and natural resources, law enforcement  
17 officers of the department of public safety, and law enforcement  
18 officers of the department of transportation may be done  
19 concurrently to ensure cost savings.

20 (f) No later than June 30, 2018, the conservation and  
21 resources enforcement program of the department of land and



1 natural resources shall meet the law enforcement accreditation  
2 or recognition standards of the Commission on Accreditation for  
3 Law Enforcement Agencies, Inc., in the use of electric guns.

4 (g) No later than June 30, 2024, the law enforcement  
5 officers appointed by the director of transportation shall meet  
6 the law enforcement accreditation or recognition standards of  
7 the Commission on Accreditation for Law Enforcement Agencies,  
8 Inc., in the use of electric guns.

9 (h) No later than \_\_\_\_\_, the agricultural theft  
10 enforcement program of the department of agriculture shall meet  
11 the law enforcement accreditation or recognition standards of  
12 the Commission on Accreditation for Law Enforcement Agencies,  
13 Inc., in the use of electric guns."

14 SECTION 4. Section 139-1, Hawaii Revised Statutes, is  
15 amended by amending the definition of "law enforcement officer"  
16 to read as follows:

17 "Law enforcement officer" means:

18 (1) A police officer employed by a county police  
19 department;

20 (2) A public safety officer employed by the department of  
21 public safety; or



1           (3) An employee of the department of transportation,  
2           department of land and natural resources, department  
3           of taxation, [~~or~~] department of the attorney general,  
4           or department of agriculture who is conferred by law  
5           with general police powers."

6           SECTION 5. Section 139-7, Hawaii Revised Statutes, is  
7           amended by amending subsection (a) to read as follows:

8           "(a) No person shall be appointed or employed as a law  
9           enforcement officer by any county police department, the  
10          department of public safety, the department of transportation,  
11          the department of land and natural resources, the department of  
12          taxation, [~~or~~] the department of the attorney general, or the  
13          department of agriculture, unless the person possesses a valid  
14          certification issued by the board pursuant to section 139-6(b)."

15          SECTION 6. Section 291-31.5, Hawaii Revised Statutes, is  
16          amended by amending subsection (a) to read as follows:

17          "(a) No person shall knowingly operate, affix or cause to  
18          be affixed, display, or possess any lamp, reflector, or  
19          illumination device that appears to be the color blue, or colors  
20          blue and red, upon any motor vehicle, motorcycle, motor scooter,  
21          bicycle, or moped except for:



- 1           (1) County law enforcement vehicles authorized and  
2           approved by the chief of police of the county in which  
3           the vehicle is operated;
- 4           (2) Department of public safety law enforcement vehicles  
5           with blue and red lamps, reflectors, or illumination  
6           devices authorized and approved by the director of  
7           public safety;
- 8           (3) Department of land and natural resources division of  
9           conservation and resources enforcement vehicles with  
10          blue and red lamps, reflectors, or illumination  
11          devices authorized and approved by the chairperson of  
12          the board of land and natural resources; [~~or~~]
- 13          (4) Department of transportation division of harbors law  
14          enforcement vehicles with blue and red lamps,  
15          reflectors, or illumination devices authorized and  
16          approved by the director of transportation[~~-~~]; or
- 17          (5) Department of agriculture agricultural theft  
18          enforcement vehicles with blue and red lamps,  
19          reflectors, or illumination devices authorized and  
20          approved by the chairperson of the board of  
21          agriculture.



1 This prohibition shall not apply to factory-installed instrument  
2 illumination."

3 SECTION 7. Section 291C-27, Hawaii Revised Statutes, is  
4 amended by amending subsection (b) to read as follows:

5 "(b) As used in this section, "emergency vehicle" means a  
6 police or fire department vehicle, ocean safety vehicle,  
7 emergency medical services vehicle, freeway service patrol  
8 vehicle, sheriff division vehicle, Hawaii emergency management  
9 agency vehicle, county emergency management vehicle, civil  
10 defense vehicle, department of transportation harbors division  
11 vehicle, department of land and natural resources division of  
12 conservation and resources enforcement vehicle, department of  
13 agriculture agricultural theft enforcement vehicle, or a tow  
14 truck."

15 SECTION 8. Section 386-181, Hawaii Revised Statutes, is  
16 amended to read as follows:

17 "C. Public Board Members, Reserve Police Officers, Police  
18 Chaplains, Volunteer Agricultural Theft Enforcement Officers,  
19 Volunteer Firefighters, Volunteer Boating  
20 Enforcement Officers, and Volunteer  
21 Conservation and Resources Enforcement Officers



1

2       **§386-181 Generally.** (a) As used in this section:

3       "Police chaplain" means a member of an authorized  
4 chaplaincy program of a county police department who performs  
5 services in a voluntary and unpaid capacity under the authorized  
6 direction of an officer of the department.

7       "Public board" means a governmental body, regardless of its  
8 designation, duly created under authority vested by law for the  
9 purposes of performing quasi-judicial, administrative, or  
10 advisory functions.

11       "Reserve police officer" means a member of an authorized  
12 reserve force of a county police department who performs  
13 services in a voluntary and unpaid capacity under the authorized  
14 direction of an officer of the department.

15       "Sheriffs' chaplain" means a member of an authorized  
16 chaplaincy program of the department of public safety who  
17 performs functions similar to a police chaplain in a voluntary  
18 and unpaid capacity for the sheriff division.

19       "Volunteer agricultural theft enforcement officer" means a  
20 person who performs services for the department of agriculture  
21 in the agricultural theft enforcement program in a voluntary and



1 unpaid capacity under the authorized direction of an officer of  
2 the department of agriculture.

3 "Volunteer boating enforcement officer" means a member of  
4 the authorized volunteer enforcement force of the harbors  
5 division, department of transportation, who performs services in  
6 a voluntary and unpaid capacity under the authorized direction  
7 of an officer of the department.

8 "Volunteer conservation and resources enforcement officer"  
9 means a member of the authorized volunteer enforcement force of  
10 the division of conservation and resources enforcement,  
11 department of land and natural resources, who performs services  
12 in a voluntary and unpaid capacity under the authorized  
13 direction of an officer of the department.

14 "Volunteer firefighter" means a person who performs  
15 services for a county fire department in a voluntary and unpaid  
16 capacity under the authorized direction of an officer of the  
17 department.

18 (b) If a member of a public board, a reserve police  
19 officer, a police chaplain, sheriffs' chaplain, a volunteer  
20 agricultural theft enforcement officer, a volunteer firefighter,  
21 a volunteer boating enforcement officer, or a volunteer



1 conservation and resources enforcement officer is injured while  
2 performing services for the board, county police department,  
3 county fire department, department of agriculture, department of  
4 public safety, harbors division of the department of  
5 transportation, or division of conservation and resources  
6 enforcement of the department of land and natural resources,  
7 under the conditions specified in section 386-3, the person or  
8 the person's dependents shall be entitled to all compensation in  
9 the manner provided by this chapter and, for the purposes of  
10 this chapter, the person shall, in every case, be deemed to have  
11 earned wages for the services.

12 (c) In computing the average weekly wages of an injured  
13 public board member, reserve police officer, police chaplain,  
14 sheriffs' chaplain, volunteer agricultural theft enforcement  
15 officer, volunteer firefighter, volunteer boating enforcement  
16 officer, or volunteer conservation and resources enforcement  
17 officer:

18 (1) The person's income from self-employment shall be  
19 considered wages;







1 to identify and assess necessary improvements to dams,  
2 reservoirs, irrigation systems, and transportation  
3 networks;

4 (4) The purchase of equipment necessary for agricultural  
5 production or processing activity;

6 (5) The conduct of research on and testing of agricultural  
7 products and markets;

8 (6) The funding of agricultural inspector positions within  
9 the department of agriculture;

10 (7) The promotion and marketing of agricultural products  
11 grown or raised in the State;

12 (8) Water quality testing and improvement; and

13 (9) Any other activity intended to [~~increase~~];

14 (A) Increase agricultural production or processing  
15 that may lead to reduced importation of food,  
16 fodder, or feed from outside the State[~~-~~]; or

17 (B) Otherwise protect agricultural resources."

18 SECTION 10. (a) There is established one full-time  
19 equivalent (1.0 FTE) chief enforcement officer position within  
20 the agricultural theft enforcement program of the department of  
21 agriculture.



1 (b) There is established two full-time equivalent  
2 (2.0 FTE) enforcement officer positions within the agricultural  
3 theft enforcement program of the department of agriculture, one  
4 each, for the islands of Hawaii and Oahu.

5 SECTION 11. There is appropriated out of the agricultural  
6 development and food security special fund the sum of  
7 \$ or so much thereof as may be necessary for fiscal  
8 year 2020-2021 to be deposited into the agricultural theft  
9 enforcement special fund.

10 SECTION 12. There is appropriated out of the agricultural  
11 theft enforcement special fund the sum of \$ or so much  
12 thereof as may be necessary for fiscal year 2020-2021 for the  
13 following:

14 (1) The establishment of the following positions within  
15 the agricultural theft enforcement program of the  
16 department of agriculture:

17 (A) One full-time equivalent (1.0 FTE) chief  
18 enforcement officer position; and

19 (B) Two full-time equivalent (2.0 FTE) enforcement  
20 officer positions, one each, for the islands of  
21 Hawaii and Oahu; and



1 (2) Other operating expenditures of the agricultural theft  
2 enforcement program of the department of agriculture.

3 The sum appropriated shall be expended by the department of  
4 agriculture for the purposes of this Act.

5 PART III

6 SECTION 13. This Act does not affect rights and duties  
7 that matured, penalties that were incurred, and proceedings that  
8 were begun before its effective date.

9 SECTION 14. Statutory material to be repealed is bracketed  
10 and stricken. New statutory material is underscored.

11 SECTION 15. This Act shall take effect on July 1, 2020.

12

INTRODUCED BY:

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# H.B. NO. 2189

**Report Title:**

HDOA; Agricultural Theft Enforcement Program; Agricultural Theft Enforcement Special Fund; Law Enforcement; Appropriation

**Description:**

Establishes the agricultural theft enforcement program and agricultural theft enforcement special fund within the Department of Agriculture. Authorizes the Board of Agriculture and agricultural theft enforcement officers to exercise police powers. Extends to the agricultural theft enforcement program the applicability of certain statutory provisions relating to the law enforcement officer independent review board; possession of electric guns; the law enforcement standards board; emergency vehicles; and worker's compensation for volunteer emergency response personnel. Authorizes the use of funds in the agricultural development and food security special fund for protection of agricultural resources. Appropriates funds.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*

