

LATE

STATE OF HAWAI‘I
OFFICE OF THE PUBLIC DEFENDER

Testimony of the Office of the Public Defender,
State of Hawai‘i to the Senate Committee on Judiciary

February 25, 2020

S.B. No. 2939: RELATING TO CRIMES ON AGRICULTURAL LANDS.

Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

The Office of the Public Defender respectfully opposes S.B. No. 2939. We are not clear on the need for this bill and we do not believe that enhancing the imprisonment for crimes committed on agricultural land will have the effect of reducing criminal activity on these lands.

First, we note that unlike our current extended term statute, Hawaii Revised Statutes (HRS) Section 706-661, which gives the sentencing court **discretion** in imposing extended terms for the specified offenses, S.B. 2939 would make extended terms **mandatory** for all felony offenses committed on agricultural land.

Secondly, we note that the general public is likely to have significant concern that, for example, Murder in the Second Degree would carry a mandatory extended term of Life without the possibility of parole if committed on agricultural land, but the same offense committed in someone’s living room would not.

We do not believe this legislation makes sense in that respect as to all of the offenses listed in the bill. For these reasons, we oppose its passage.

Thank you for the opportunity to comment on this bill.

DAVID Y. IGE
Governor

JOSH GREEN
Lt. Governor



JAMES J. NAKATANI
Executive Director

STATE OF HAWAII
AGRIBUSINESS DEVELOPMENT CORPORATION

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TESTIMONY OF JAMES J. NAKATANI
EXECUTIVE DIRECTOR
AGRIBUSINESS DEVELOPMENT CORPORATION

BEFORE THE COMMITTEE ON JUDICIARY
TUESDAY, February 25, 2020
10:01 a.m.

SENATE BILL NO. 2939
RELATING TO CRIMES ON AGRICULTURAL LANDS

Chairperson Rhoads and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation ("ADC"). The ADC supports Senate Bill No. 2939, which imposes extended terms of imprisonment for crimes committed on agricultural lands.

Recently, agricultural theft, vandalism and trespassing have become more prevalent and range from nuisance activities to felony crimes. This bill highlights support of agricultural activities and signals to the community that criminal activity will not be tolerated.

Thank you for the opportunity to testify, and for your consideration of this bill.



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February 25, 2020

HEARING BEFORE THE
SENATE COMMITTEE ON JUDICIARY

TESTIMONY ON SB 2939
RELATING TO CRIMES ON AGRICULTURAL LANDS

Room 016
10:01 AM

Aloha Chair Rhoads, Vice Chair Keohokalole, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawaii Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 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 supports SB 2939, which imposes extended terms of imprisonment for crimes committed on agricultural lands.

Agricultural crime is a persistent problem facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation, labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, fiber, fuel and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft, and vandalism, and it's a wonder farms and ranches remain viable.

Sadly, agricultural crime is a growing trend in Hawaii. Farmers and ranchers are often victims of those who are looking for easy targets. Despite our efforts to install cameras, form community ag watch groups, and patrol our farms, these criminals know that being caught and prosecuted is unlikely. Our police departments are trying to help but they don't have the staffing to be everywhere at all times either.

In recent years, not only have crops and livestock been stolen, but also tractors, trucks, farm equipment, and tools. When someone is caught committing a crime on agricultural land (and this is not common), the case against that individual should be taken very seriously and the penalties should be severe.

This bill proposes to impose more serious sentences for those that commit crimes against farmers and ranchers on agricultural lands. We hope that this will serve as a deterrent to would-be criminals. The bill is one of several measures this session that could help prevent agricultural crimes and thereby help our farmers and ranchers stay in business.

HFB continues to work with both the police and prosecutor's office to find ways we can work together to help deter, apprehend, and convict individuals that are committing agricultural crimes.

Thank you for your continued support of our local farmers and ranchers.

SB-2939

Submitted on: 2/24/2020 7:35:00 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
rkahalewajjr	Individual	Support	No

Comments:

https://www.change.org/p/donovan-dela-cruz-justice-for-malia-s-death?use_react=false

I support this bill because I believe if it becomes law all these unnecessary crimes and deaths will be avoided. My neice was brutally murdered because of the lack of supervision on Agriculture lands and the crimes are getting worse because nothing is being to keep these lands protected.

SB-2939

Submitted on: 2/24/2020 7:59:05 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Alayne Balico	Individual	Support	No

Comments:

Aloha Kakou,

My name is Alayne Balico and I am submitting testimony in favor of supporting SB2939. Please, I ask to also support this bill, designed to deter and prevent crimes against people and personal property, on agricultural and farm lands. The State Farm lands in Whitmore that is managed by the ADC, Agribusiness Development Corporation, needs support. Unfortunately, due to lack of funding and staffs it has recently become a haven of criminal activity. My niece Malia Soma-Valmoja was killed on State ADC lands in Whitmore on January 11, 2020. Please support SB2939 to establish the agricultural theft enforcement program and special fund. Protect property, livestock, produce, and most of all another life from being stolen.

Mahalo Nui Loa,

Alayne Balico and Ohana of Malia Soma-Valmoja

SB-2939

Submitted on: 2/24/2020 8:13:54 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Maelani Rego	Individual	Support	No

Comments:

Aloha,

I support bill 2939. We need harsher punishment for crime committed on agriculture land. Crime seems to be a big factor on ag lands not being used by the state. We need to keep our community safe and it starts by taking accountability of your owned ag lands. It saddens me that life after life are being taken in Ag lands and we still have yet to do something about it. If a property owner came home to someone on their property and they did not belong there we have every right to remove them from our property. State needs to manage their property and if people still commit crimes then steeper penalties. In all we just want to keep our community safe. Thank you.

SB-2939

Submitted on: 2/24/2020 9:25:58 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Molly Hernandez	Individual	Support	Yes

Comments:

Aloha,

My name is Molly Hernandez and I'm in highly support of Senate Bill 2939 to impose extended terms of imprisonment for crimes committed on agricultural lands.

Criminals should be liable and given the most and foremost maximum penalty for crimes committed on agricultural lands, especially life In imprisonment with no parole when a murder is involved in addition to any other offenses already committed.

My niece, Malia Soma-Valmoja was brutally shot in the head on the morning of January 11, 2020 in Whitmore and later died that evening. She was a victim that was brutally murdered. She didn't deserve this injustice action.

Please support Senate Bill 2939 so that this law may be pursued in action.

On behalf of Malia Soma-Valmoja and our Ohana, Mahalo for your time & Support of Senate Bill 2939.

JUSTICE FOR MALIA!

SB-2939

Submitted on: 2/24/2020 10:00:21 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Mel valmoja	Individual	Support	Yes

Comments:

Aloha,

My name is Mel Valmoja and i am testifying in support of SB2939. I do believe that we need harsher penalties for crimes committed on farm/agriculture lands. So often, the community has fell prey and have become victims to theft, illegal activities, and even liss of precious life. I am in total support of this bill as well as my ohana. Aloha, Mel Valmoja and ohana if Malua Soma-Valmoja

LATE

SB-2939

Submitted on: 2/24/2020 7:33:43 PM
Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Keikilani Gouveia	Individual	Support	No

Comments:

I would like to start by saying Malia Soma Valmoja was my baby cousin. I strongly feel that if these types of land was more monitored and taken seriously being that it has years of criminal activity, I think Malia would still be alive. Yes, crime takes place everywhere, every day, but it's places like these that criminals feel "safe" to do whatever they please. With this bill, we can prevent these types of situations. Enough is enough!

LATE

SB-2939

Submitted on: 2/25/2020 10:15:47 AM

Testimony for JDC on 2/25/2020 10:01:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Rayne	Individual	Support	No

Comments: