

STAND. COM. REP. NO. 3196

Honolulu, Hawaii

MAR 04 2022

RE: S.B. No. 2987
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committees on Judiciary and Ways and Means, to which was referred S.B. No. 2987 entitled:

"A BILL FOR AN ACT RELATING TO CRIMES ON AGRICULTURAL LANDS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Impose extended terms of imprisonment for certain offenses against property rights when committed on agricultural land; and
- (2) Appropriate funds for the Department of the Attorney General to establish a Statewide Agricultural Theft Task Force.

Your Committees received testimony in support of this measure from the Department of Agriculture, Ulupono Initiative, Hawai'i Farm Bureau, and one individual. Your Committees received testimony in opposition to this measure from the Office of the Public Defender and Community Alliance on Prisons. Your Committees received comments on this measure from the Department of the Attorney General and the Department of Budget and Finance.

Your Committees find that agricultural lots are a prime target for thieves as there are many open entry points, farms are often located in rural and isolated areas, and punishments are



minor relative to other crimes. Deterring theft often requires significant monetary investments in security infrastructure, monitoring, and labor, despite already tight profit margins for most agricultural operations. This measure will support local producers by imposing mandatory minimum terms of imprisonment for certain offenses against property rights when committed on agricultural land and appropriating funds for the Department of the Attorney General to establish a Statewide Agricultural Theft Task Force.

Your Committees have amended this measure by:

- (1) Replacing the extended terms of imprisonment with mandatory minimum terms of imprisonment of ninety days for a class B felony, sixty days for a class C felony, thirty days for a misdemeanor, and seven days for a petty misdemeanor;
- (2) Specifying that the mandatory minimums are in addition to any other jail term or punishment otherwise provided by law;
- (3) Inserting an effective date of July 30, 2075, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Judiciary and Ways and Means that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2987, as amended herein, and recommend that it pass Third Reading in the form attached hereto as S.B. No. 2987, S.D. 1.

Respectfully submitted on
behalf of the members of the
Committees on Judiciary and
Ways and Means,


DONOVAN M. DELA CRUZ, Chair


KARL RHOADS, Chair



The Senate
 Thirty-First Legislature
 State of Hawai'i

**Record of Votes
 Committee on Judiciary
 JDC**

Bill / Resolution No.:*	Committee Referral:	Date:
SB 2987	AEN, JDC/WAM	03-02-22

The Committee is reconsidering its previous decision on this measure.
 If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312 Pass, with amendments 2311 Hold 2310 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOLE, Jarrett (VC)	✓			
ACASIO, Laura			✓	
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris	✓			
FEVELLA, Kurt			✓	
TOTAL	5	-	2	-

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

Distribution: Original Yellow Pink Goldenrod
 File with Committee Report Clerk's Office Drafting Agency Committee File Copy

*Only one measure per Record of Votes

