

DAVID Y. IGE  
Governor

JOSH GREEN  
Lt. Governor



PHYLLIS SHIMABUKURO-GEISER  
Chairperson, Board of Agriculture

MORRIS ATTA  
Deputy to the Chairperson

State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF PHYLLIS SHIMABUKURO-GEISER  
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON AGRICULTURE

MARCH 17, 2021

10:00 A.M.

VIA VIDEOCONFERENCE

SENATE BILL NO. 219 SD2  
RELATING TO CRIMES ON AGRICULTURAL LANDS

Chairperson Hashem and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 219 SD2. This measure imposes extended terms of imprisonment for certain offenses negligently committed on agricultural lands. The Department supports this measure.

The Hawaii Department of Agriculture recognizes that crimes committed on agricultural land causes significant hardship to the farmer, potentially leading to bankruptcy. Any measure that provides a stronger deterrent to criminal activity on agricultural lands would be beneficial to farmers, ranchers, producers, and landowners, including the State of Hawai`i.

Thank you for the opportunity to testify on this measure.





**Hawaii Cattlemen's Council, Inc.**

COMMITTEE ON AGRICULTURE

Rep. Mark J. Hashem, Chair

Rep. Amy A. Perruso, Vice Chair

**SB 219**

RELATING TO CRIMES ON AGRICULTURAL LANDS.

Wednesday, March 17, 2021 10:00 am

Via Video Conference

Chair Hashem, Vice Chair Perruso, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB219** to impose terms of imprisonment for certain offenses against property rights committed on agricultural land. Agricultural entities struggle to operate on slim margins, and criminal activity must be deterred in order to protect our ability to provide food for the community. Any penalties to deter this activity will benefit ranchers.

We appreciate the opportunity to testify on this critical matter for our industry.

Nicole Galase  
Hawaii Cattlemen's Council  
Managing Director



Email: [communications@ulupono.com](mailto:communications@ulupono.com)

HOUSE COMMITTEE ON AGRICULTURE  
Wednesday, March 17, 2021 — 10:00 a.m.

**Ulupono Initiative supports SB 219 SD 2, Relating to Crimes on Agricultural Lands.**

Dear Chair Hashem and Members of the Committee:

My name is Micah Munekata, and I am the Director of Government Affairs at Ulupono Initiative. We are a Hawai'i-focused impact investment firm that strives to improve quality of life throughout the islands by helping our communities become more resilient and self-sufficient through locally produced food; renewable energy and clean transportation; and better management of freshwater and waste.

**Ulupono supports SB 219 SD 2**, which imposes extended terms of imprisonment for certain offenses against property rights negligently committed on agricultural lands.

In our conversations with farmers and ranchers, one issue that keeps coming up is agricultural theft and how there is little enforcement or punishment for offenders. 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. For farmers who can afford to, precious money has to be spent on security infrastructure, monitoring, and labor to defend their agricultural operations instead of producing food. Profit margins for agricultural operations are already tight. Losing revenue and investing in repairs and security could push more local farmers and ranchers out of the agricultural sector. Ultimately, this underrated issue is one that hurts our ability to increase locally grown food in our state. By increasing the penalty of agricultural crimes on our agricultural lands, the State is making a commitment to support local producers and get control of this longstanding agriculture issue.

As Hawai'i's local food issues become increasingly complex and challenging, we appreciate this committee's efforts to look at policies that support local food production.

Thank you for this opportunity to testify.

Respectfully,

Micah Munekata  
Director of Government Affairs

*Investing in a Sustainable Hawai'i*



P.O. Box 253, Kunia, Hawai'i 96759  
Phone: (808) 848-2074; Fax: (808) 848-1921  
e-mail [info@hfbf.org](mailto:info@hfbf.org); [www.hfbf.org](http://www.hfbf.org)

March 17, 2021

HEARING BEFORE THE  
HOUSE COMMITTEE ON AGRICULTURE

**TESTIMONY ON SB 219 SD2**  
RELATING TO CRIMES ON AGRICULTURAL LANDS

Via Videoconference  
Conference Room 325  
10:00 AM

Aloha Chair Hashem, Vice Chair Perruso, 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 219 SD2**, and any other measure which would help to deter agricultural crime in Hawaii.

Hawaii farmers are begging for help against theft, vandalism, and trespass. Something must be done to stop criminals from taking advantage of the hard work of agricultural producers, especially during this pandemic when many are on the verge of going out of business. Ag crime must be taken more seriously by the county police departments, prosecutors, and judges. If we want agriculture to be successful in Hawaii, we need to do more to catch criminals and to penalize them enough to deter repetition.

The latest USDA agricultural crime statistics show a grim picture for Hawaii farmers and ranchers trying to stay in business. Ag theft and other crimes cost Hawaii farm producers **\$14.4 million, or 10% of the 2018 Hawaii net farm income of \$142 million.**

[https://www.nass.usda.gov/Statistics\\_by\\_State/Hawaii/Publications/Miscellaneous/AgTheft\\_2019.pdf](https://www.nass.usda.gov/Statistics_by_State/Hawaii/Publications/Miscellaneous/AgTheft_2019.pdf)

This includes theft of farm commodities, materials, equipment, and other property. Statewide vandalism costs were over a half a million dollars. Security costs to prevent theft and/or vandalism were over \$11 million. According to the report, nearly 4,000 incidents of theft, 1,112 incidents of vandalism, and 14,262 trespassing incidents

occurred during 2019. In some counties, 25% of all farms report being vandalized or stolen from. And many farmers give up on calling law enforcement because there is no follow up.

Farmers are spending millions of dollars to install expensive security measures that haven't been effective in stopping crime, and ironically, in some cases are themselves stolen. Ag crime is increasing and farmers cannot solve this problem on their own.

**HFB respectfully suggests deletion of the addition of an overarching standard of negligence proposed in SD2** as it is unnecessary and perhaps inappropriate --- the crimes at issue in this bill (HRS Chapter 708) *already include the elements of intent* to cause damage, to enter or remain unlawfully, or to deprive the owner of his property, or if the offender *knowingly* does so.

Thank you for your efforts to protect and support Hawaii's farmers and ranchers.

**SB-219-SD-2**

Submitted on: 3/15/2021 11:51:42 AM

Testimony for AGR on 3/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Carolyn Eaton	Individual	Oppose	No

Comments:

Aloha, my name is Carolyn Eaton and I oppose SB 219, SD 2. Please help to end this discriminatory measure. Mahalo for your consideration of my testimony.

**SB-219-SD-2**

Submitted on: 3/15/2021 10:52:00 PM

Testimony for AGR on 3/17/2021 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Janet Pappas	Individual	Support	No

Comments:

Dear AGR Chair Hashem, AGR Vice Chair Perruso and AGR Committee members,

There need to be strong deterrents to theft on farmland and this bill fulfills that need. I am aware of at least two farmers who have lost expensive farm equipment to theft in the past couple years. Farm work is hard and the profit margin small. We cannot and should not tolerate any theft on farmland in our state.

I am in strong support of SB219 SD2.

Thank you for listening and for the opportunity to testify.

Sincerely,

Jan Pappas - Aiea, Hawaii