

JAN 19 2024

A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 SECTION 1. The legislature finds that agricultural crimes,
2 including agricultural theft and vandalism, are a persistent
3 issue affecting Hawaii farmers and ranchers. According to a
4 2020 publication by the United States Department of Agriculture
5 and Hawaii Department of Agriculture, there were nearly nineteen
6 thousand incidents of theft, vandalism, and trespassing on
7 Hawaii farms in 2019. These incidents cost Hawaii farms
8 approximately \$14,400,000, or ten per cent of the estimated 2018
9 Hawaii net farm income, in theft and vandalism losses and
10 security costs.

11 The legislature further finds that people often trespass
12 onto Hawaii's farms to illegally hunt. These trespassers, who
13 are often armed with weapons and accompanied by dogs, can be
14 particularly dangerous and destructive for farming operations.
15 Reports have emerged regarding destroyed crops, lost livestock,
16 illegal drug use, litter, and discarded animal carcasses on farm
17 property.



1 The legislature also finds that despite the prevalence and
2 cost of agricultural crimes, many incidents go unreported and
3 few result in convictions. Of the nearly nineteen thousand
4 incidents in 2019, only nine hundred seventy incidents were
5 reported to law enforcement, which resulted in seventy-nine
6 arrests and sixty-seven convictions.

7 Recognizing the challenges that Hawaii farmers face with
8 regard to agricultural crime, the legislature passed Act 217,
9 Session Laws of Hawaii 2019, which required the department of
10 agriculture to establish a two-year agricultural theft and
11 vandalism pilot project to examine the effectiveness of
12 prosecuting agricultural and vandalism cases in the counties of
13 Hawaii and Maui. The legislature believes that it is time to
14 replicate this pilot project in the city and county of Honolulu
15 and county of Kauai, which suffered the highest and third
16 highest rates of theft or vandalism of all farms in the State,
17 respectively.

18 Accordingly, the purpose of this Act is to establish a
19 two-year agricultural crime pilot project to examine the
20 effectiveness of prosecuting agricultural crime cases in the
21 city and county of Honolulu and county of Kauai, including



1 agricultural crimes affecting individuals who are not full-time
2 farmers or ranchers.

3 SECTION 2. (a) The department of agriculture shall:

4 (1) Establish a two-year agricultural crime pilot project
5 to examine and assess the effectiveness of prosecuting
6 agricultural crime cases, including agricultural theft
7 and agricultural vandalism, in the city and county of
8 Honolulu and county of Kauai;

9 (2) Examine and assess the effectiveness of prosecuting
10 agricultural crimes, including the theft of
11 agricultural products produced for personal or
12 commercial use on any land, regardless of land
13 classification, and agricultural vandalism;

14 (3) Partner with the city and county of Honolulu and
15 county of Kauai to hire one full-time equivalent (1.0
16 FTE) enforcement officer for each county, to be placed
17 within the respective prosecuting attorney's office or
18 any other law enforcement agency; and

19 (4) Assess the implementation of the pilot project,
20 including the pilot project's effectiveness in:



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- 1 (A) Identifying the number of convictions for
2 agricultural crimes, including agricultural theft
3 and agricultural vandalism;
- 4 (B) Identifying best practices for prosecuting
5 perpetrators of agricultural crimes, including
6 agricultural theft and agricultural vandalism;
- 7 (C) Identifying best practices for the coordination
8 of local police and other enforcement officers'
9 interaction between the prosecuting attorney's
10 office and the judiciary;
- 11 (D) Identifying best practices for the development
12 and implementation of the public's and farmers'
13 reporting of agricultural crimes, including
14 agricultural theft, agricultural vandalism, or
15 the attempt of agricultural theft or agricultural
16 vandalism;
- 17 (E) Identifying areas where agricultural crimes,
18 including agricultural theft and agricultural
19 vandalism, are most prevalent;



1 (F) Identifying best practices for preventing
2 agricultural crimes, including agricultural theft
3 and agricultural vandalism; and

4 (G) Making recommendations for a statewide program to
5 address agricultural crimes, including
6 agricultural theft and agricultural vandalism.

7 (b) Based on the department of agriculture's assessment of
8 the agricultural crime pilot project, the department shall
9 determine whether to continue, expand, or end the pilot project.

10 (c) The department of agriculture shall submit reports to
11 the legislature of its findings and recommendations, including
12 any proposed legislation, no later than twenty days prior to the
13 convening of the regular sessions of 2025 and 2026.

14 SECTION 3. There is appropriated out of the general
15 revenues of the State of Hawaii the sum of \$200,000 or so much
16 thereof as may be necessary for fiscal year 2024-2025 for the
17 establishment and implementation of a two-year agricultural
18 crime pilot project pursuant to this Act.

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



1 SECTION 4. In accordance with section 9 of article VII of
2 the Hawaii State Constitution and sections 37-91 and 37-93,
3 Hawaii Revised Statutes, the legislature has determined that the
4 appropriations contained in H.B. No. , will cause the state
5 general fund expenditure ceiling for fiscal year 2024-2025 to be
6 exceeded by \$ or per cent. In addition, the
7 appropriation contained in this Act will cause the general fund
8 expenditure ceiling for fiscal year 2024-2025 to be further
9 exceeded by \$200,000 or per cent. The combined total
10 amount of general fund appropriations contained in only these
11 two Acts will cause the state general fund expenditure ceiling
12 for fiscal year 2024-2025 to be exceeded by
13 \$ or per cent. The reasons for exceeding the
14 general fund expenditure ceiling are that:

- 15 (1) The appropriation made in this Act is necessary to
16 serve the public interest; and
17 (2) The appropriation made in this Act meets the needs
18 addressed by this Act.



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1 SECTION 5. This Act shall take effect on July 1, 2024.

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INTRODUCED BY:

Mike Hubbard



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Report Title:

HDOA; Agricultural Crime Pilot Project; Honolulu; Kauai;
Appropriation; Expenditure Ceiling

Description:

Requires the Department of Agriculture to establish a two-year agricultural crime pilot project to examine the effectiveness of prosecuting agricultural crimes, including agricultural theft and agricultural vandalism, in the City and County of Honolulu and County of Kauai. Appropriates funds.

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