
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

PART I

SECTION 1. This Act shall be known and may be cited as "Duke's Law" in memory of Cranston "Duke" Pia.

SECTION 2. The legislature finds that agricultural crimes pose a significant and growing threat to the sustainability and vitality of the State's agricultural industry. These crimes, which include homicide, terroristic threatening, theft, vandalism, trespassing, and illegal hunting on agricultural lands, not only jeopardize the livelihoods of farmers but also undermine food security, disrupt local economies, and erode public confidence in the protection of vital resources. Agriculture remains a cornerstone of the State's economy and cultural heritage, contributing to both economic diversification and community resilience. However, the increasing prevalence of agricultural crimes poses a grave risk to this essential sector. The legislature further finds that unauthorized hunting also significantly impacts agricultural lands. Livestock



1 endangerment and losses are common when unpermitted hunters
2 disturb farm animals on agricultural lands, and accidental
3 shootings, noise-related stress, and damaged enclosures put
4 livestock at risk, leading to financial losses for farmers and
5 ranchers. Additionally, the erosion of landowner rights and
6 agricultural stability are also critical concerns, as farmers
7 and ranchers depend on private property rights to maintain
8 secure and productive operations. Unauthorized hunting
9 disregards these rights, undermining responsible land
10 stewardship.

11 Recognizing the complexity and multifaceted nature of
12 agricultural crimes, this Act is designed to provide a
13 comprehensive response by strengthening existing legal
14 frameworks and establishing clearer definitions and penalties
15 for violations related to agriculture and agricultural lands.
16 By differentiating between administrative and criminal
17 penalties, this Act ensures that the consequences of
18 agricultural crimes are proportionate and effective, thereby
19 enhancing deterrence and accountability.

20 The legislature affirms its commitment to preserving the
21 State's agricultural legacy and protecting the individuals and



1 communities who dedicate themselves to this critical industry.
2 Through this Act, the State seeks to ensure the safety,
3 integrity, and sustainability of the State's agricultural lands
4 for present and future generations.

5 Accordingly, the purpose of this Act is to:

- 6 (1) Establish an agricultural enforcement pilot program
7 within the department of law enforcement on the
8 islands of Oahu and Hawaii, to be implemented at the
9 discretion of the deputy director of law enforcement;
10 (2) Appropriate funds for and establish positions within
11 the agricultural enforcement pilot program;
12 (3) Clarify, create, and strengthen laws regarding crimes
13 and violations related to agriculture or agricultural
14 lands and hunting on private agricultural lands; and
15 (4) Establish clear distinctions between administrative
16 and criminal penalties.

17 PART II

18 SECTION 3. Chapter 353C, Hawaii Revised Statutes, is
19 amended by adding one new section to be appropriately designated
20 and to read as follows:



1 "§353C- Agricultural enforcement pilot program. (a)

2 There shall be established within the department an agricultural
3 enforcement pilot program on the islands of Oahu and Hawaii, to
4 be implemented at the discretion of the deputy director of law
5 enforcement. The department shall employ or appoint, and
6 remove, the following persons, subject to chapter 76 and section
7 78-1:

8 (1) An assistant chief, who shall be the administrator of
9 the agricultural enforcement pilot program and shall
10 have charge, direction, and control, subject to the
11 direction or control of the deputy director, of all
12 matters relating to the enforcement of an offense
13 listed in section 708-835.55 involving theft of an
14 agricultural product or commodity and any other
15 matters as determined by the deputy director. The
16 assistant chief shall be an administrator experienced
17 in addressing agricultural theft; and

18 (2) Personnel, state law enforcement officers, and
19 investigators, including but not limited to state law
20 enforcement officers serving on a voluntary basis
21 without pay.



1 (b) In addition to all police powers and duties, state law
2 enforcement officers in the agricultural enforcement pilot
3 program shall:

4 (1) Focus on offenses under sections 708-830.5, 708-831,
5 708-832, and 708-833 that involve the theft of an
6 agricultural product or commodity;

7 (2) Gather evidence, conduct investigations, and conduct
8 field observations, as required or assigned;

9 (3) Cooperate with any enforcement authorities of the
10 federal, state, or county government in the
11 development of programs and mutual aid agreements for
12 agricultural activities within the State; and

13 (4) Carry out other duties and responsibilities as
14 determined by the deputy director.

15 (c) The department shall enter into memoranda of agreement
16 with the division of conservation and resources enforcement of
17 the department of land and natural resources and each county
18 police department, as necessary, to effectuate the purposes of
19 this section.

20 (d) For purposes of this section, "deputy director" means
21 the deputy director of law enforcement."



1 SECTION 4. There is appropriated out of the general
2 revenues of the State of Hawaii the sum of \$949,856 or so much
3 thereof as may be necessary for fiscal year 2025-2026 and the
4 same sum or so much thereof as may be necessary for fiscal year
5 2026-2027 for:

6 (1) The establishment of the following positions within
7 the agricultural enforcement pilot program established
8 pursuant to section 353C- , Hawaii Revised Statutes:

9 (A) One full-time equivalent (1.0 FTE) assistant
10 chief position;

11 (B) Two full-time equivalent (2.0 FTE) state law
12 enforcement investigator positions; provided that
13 one position shall be assigned to the county of
14 Hawaii and one position shall be assigned to the
15 city and county of Honolulu; and

16 (C) Six full-time equivalent (6.0 FTE) uniformed
17 state law enforcement officer positions for
18 patrol functions; provided that three positions
19 shall be assigned to the county of Hawaii and
20 three positions shall be assigned to the city and
21 county of Honolulu; and



(2) Other operating expenditures of the agricultural enforcement pilot program established pursuant to section 353C- , Hawaii Revised Statutes.

The sums appropriated shall be expended by the department of law enforcement for the purposes of this Act.

PART III

SECTION 5. Chapter 142, Hawaii Revised Statutes, is amended by adding two new sections to part I to be appropriately designated and to read as follows:

"§142-A Administrative penalties. (a) Except as otherwise provided by law, the department of agriculture may set, charge, and collect administrative fines, fees, and costs for any violation of this chapter for which a penalty is not otherwise provided, including attorneys' fees and costs, or bring legal action to recover administrative fines, fees, and costs, including attorneys' fees and costs, or payment for damages or for the cost to correct damages resulting from a violation of this chapter or any rule adopted thereunder.

(b) For any administrative violation of this chapter or any rule adopted thereunder, unless provided otherwise by law, the fine shall be as follows:



1 (1) For a first violation, or any violation not preceded
2 within a five-year period for the same violation, a
3 fine of not more than \$200;

4 (2) For a second violation within five years of a previous
5 violation, a fine of not more than \$500; and

6 (3) For a third or subsequent violation within five years
7 of a previous violation, a fine of not more than
8 \$1,000.

9 Each day or instance of violation shall constitute a separate
10 violation.

11 (c) The board of agriculture may impose applicable fines
12 by order in addition to any other administrative or judicial
13 remedy provided by this chapter or any rule adopted thereunder.

14 (d) For any judicial proceeding to recover a fine, fee, or
15 cost imposed under this section, the chairperson of the board of
16 agriculture need only show that:

17 (1) Notice was given and a hearing was held or the time
18 granted for requesting a hearing has expired without
19 receiving a request;

20 (2) The fine, fee, or cost was imposed; and

21 (3) The fine, fee, or cost remains unpaid.



1 (e) In addition to any other administrative or judicial
2 remedy provided in this chapter or any rule adopted thereunder,
3 the department of agriculture may impound, seize, confiscate,
4 destroy, quarantine, sell, auction, or dispose of any animal,
5 animal product, container, crate, or any other item under the
6 jurisdiction of this chapter in the best interest of the State.

7 (f) Any criminal action against a person for any violation
8 of this chapter or any rule adopted thereunder shall not
9 preclude the State from pursuing civil legal action to recover
10 administrative fines, fees, or costs or damages against the
11 person. Any civil legal action to recover administrative fines,
12 fees, or costs or damages for a violation of this chapter or any
13 rule adopted thereunder shall not preclude the State from
14 pursuing any appropriate criminal action against that person.
15 Unless otherwise provided, all fines, fees, costs, and damages
16 recovered by the department of agriculture pursuant to this
17 section shall be deposited in the animal industry special fund
18 established under section 142-3.6.

19 **§142-B Habitual agricultural crime.** (a) A person commits
20 the offense of habitual agricultural crime if the person is a



1 habitual agricultural crime perpetrator and commits a criminal
2 offense under this chapter.

3 (b) For the purposes of this section, "habitual
4 agricultural crime perpetrator" means a person who, within five
5 years of the instant offense, has any combination of three or
6 more prior convictions for criminal offenses under this chapter
7 or one or more prior convictions under this section. The
8 convictions shall be for separate incidents on separate dates.
9 The prosecution shall not be required to prove any state of mind
10 with respect to the person's status as a habitual agricultural
11 crime perpetrator. Proof that the person has the requisite
12 minimum prior convictions shall be sufficient to establish this
13 element.

14 (c) Habitual agricultural crime is a class C felony.

15 (d) For a conviction under this section, the sentence
16 shall be either:

17 (1) An indeterminate term of imprisonment of five years;
18 provided that the minimum term of imprisonment shall
19 be not less than one year; or

20 (2) A term of probation of five years, with conditions to
21 include but not be limited to one year of



1 imprisonment; provided that probation shall only be
2 available for a first conviction under this section."

3 SECTION 6. Chapter 142, Hawaii Revised Statutes, is
4 amended by adding two new sections to part II to be
5 appropriately designated and to read as follows:

6 "§142-C Definitions. As used in this part:

7 "Brand" means a design that is permanently impressed on the
8 hide of an animal by burning with acid, a chemical compound, or
9 a hot iron.

10 "Mark" means a design that is cut into or from the ear,
11 dewlap, or other part of an animal.

12 §142-D Inspection before slaughter. No person shall allow
13 livestock to enter a livestock harvesting establishment that
14 slaughters or processes livestock meat and meat products unless
15 the establishment's management has conducted a prior examination
16 and inspection to verify the brand on animals match the
17 ownership of the consignee, collects a copy of and confirms the
18 brand with the ownership of the livestock ownership and movement
19 certificate pursuant to section 142-49. The establishment's
20 management may seek assistance from the department of
21 agriculture or a law enforcement officer if ownership



1 determination via brand inspection is in question, or violation
2 or theft is suspected. Livestock ownership and movement
3 certificates that correlate with all livestock harvested at the
4 plant shall be submitted by the establishment's management to
5 the department of agriculture weekly."

6 SECTION 7. Section 142-2, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§142-2 Rules. Subject to chapter 91, the department of
9 agriculture may make and amend rules for the inspection,
10 quarantine, disinfection, or destruction, either upon
11 introduction into the State or at any time or place within the
12 State, of animals and the premises and effects used in
13 connection with the animals. Included therein may be rules
14 governing the control and eradication of transmissible diseases
15 of animals and the transportation of animals between the
16 different islands of the State and along the highways thereof,
17 the registration and inspection of brands or marks on livestock,
18 as well as rules requiring the owner or captain of any vessel or
19 aircraft arriving in the State with animals aboard and the
20 managers or agents of trucking and air and water transportation
21 companies carrying animals within the State to report on the



1 number and class of animals carried, names of owners and
2 consignees, the places to and from which the animals are
3 shipped, the manner of handling the animals, the number of
4 deaths or injuries to animals occurring in transit or while
5 being loaded or unloaded, together with the causes of the deaths
6 or injuries, and all other matters [~~which~~] that may be deemed
7 necessary by the department for a full and complete record of
8 the shipping and handling of animals. The department may also
9 prohibit the importation into the State from any foreign country
10 or other parts of the United States or the movement from one
11 island within the State to another island therein or to one
12 locality from another locality on the same island, of animals
13 known to be or suspected of being infected with a contagious,
14 infectious, or communicable disease or known to have been
15 exposed to any of those diseases."

16 SECTION 8. Section 142-3, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "§142-3 Department[-]; general duties[-] and powers. (a)
19 The department of agriculture shall have charge, direction, and
20 control of all matters relating to the inspection of animals,
21 including brand inspection, and the prevention and eradication



1 of contagious, infectious, and communicable diseases among
2 animals and of all matters relating to the animal industry
3 within this chapter.

4 (b) In the performance of its duties under this chapter,
5 the department of agriculture may:

- 6 (1) Conduct investigations, collect data, and require
7 reports from owners of animals, including livestock
8 animals, as may be necessary to conduct inspections or
9 facilitate its decisions;
- 10 (2) Enter upon private property, including agricultural
11 lands, as may be necessary in making any investigation
12 or inspection required or authorized by this chapter;
13 provided that the entry shall not constitute a cause
14 of action in favor of the owner of the land, except
15 for damages resulting from wilful acts or negligence
16 by the department or its employees acting in the
17 course of their official duties;
- 18 (3) Establish and assess fees pursuant to chapter 91 to
19 cover a portion of the department's costs in carrying
20 out the implementation and administration of any
21 programs established or authorized under this chapter;



- 1 (4) Recover expenses incurred in taking any action
2 required by the owner of the animals, including
3 livestock, in the same manner that debts are
4 recoverable by law;
- 5 (5) Assess and collect administrative penalties for
6 violation of this chapter, any rule adopted
7 thereunder, or order issued by the department or board
8 of agriculture pursuant to this chapter;
- 9 (6) Place liens, as needed, on the owner's property, to be
10 collected as delinquent taxes against lands and
11 property, if the owner neglects to pay any costs,
12 expenses, or penalties chargeable to the owner under
13 this chapter, or any rule, order, or condition
14 adopted, issued, or required under this chapter;
- 15 (7) With the assistance of the attorney general, institute
16 and pursue all court actions that may be necessary to
17 obtain the enforcement of any order issued by the
18 department or board of agriculture in carrying out
19 this chapter;
- 20 (8) Cooperate, advise, consult, contract, or enter into
21 cooperative agreements with the United States



1 government, or any of its agencies, other state
2 agencies, or the county governments, or any of its
3 agencies; and

4 (9) Take any and all other actions as may be necessary to
5 carry out this chapter."

6 SECTION 9. Section 142-3.6, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "§142-3.6 Animal industry special fund. There is
9 established the animal industry special fund to be administered
10 by the board of agriculture. Moneys received by the board of
11 agriculture from:

12 (1) The use or rental of the division of animal industry's
13 properties or facilities, including the animal
14 quarantine property or facilities pursuant to section
15 142-3.5;

16 (2) Revenue from fees for diagnostic, surveillance, and
17 other work by the animal industry division veterinary
18 laboratory and animal disease control branch; [and]

19 (3) Fines, fees, costs, and damages recovered by the
20 department of agriculture under section 142-A;



1 (4) Fees for applications to register a brand or mark
2 pursuant to section 142-41; and

3 [~~4~~] (5) Appropriations or other moneys made available,
4 shall be deposited into the special fund. Fines collected under
5 section 708- shall be deposited into the special fund. All
6 interest earned or accrued on moneys deposited in the special
7 fund shall become part of the special fund. Moneys in the
8 special fund shall be expended to cover costs of the division of
9 animal industry, including the costs of salaries, fringe
10 benefits, operating expenses, equipment, motor vehicles,
11 contract with any qualified person or entity for livestock
12 handling services, improvements to laboratory capabilities and
13 operations, and operating and maintenance of the animal industry
14 facilities; provided that moneys in the special fund may be used
15 to fund the department's resource management and planning
16 programs. A reserve shall be maintained in the special fund to
17 cover contingency costs, including accrued vacation leave,
18 unemployment insurance, and workers' compensation."

19 SECTION 10. Section 142-4, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§142-4 Entry of animals without inspection prohibited.**

2 (a) No animal shall be allowed to enter the State except after
3 inspection by the department of agriculture and the issuance of
4 a permit by the department to the consignee or owner; provided
5 that no fees for inspection shall be charged, nor delays caused,
6 concerning the landing of any domestic animal for which a
7 certificate of health has been issued as prescribed by the
8 Federal Cattle Contagious Disease Act. Every carrier, owner, or
9 handler bringing animals into the State shall be required to
10 present these animals to the department of agriculture for
11 inspection.

12 (b) Any person who fails to present an animal pursuant to
13 subsection (a) shall be assessed an administrative penalty of
14 not more than \$1,000 for each violation. Each animal that
15 enters the State without inspection shall constitute a separate
16 violation."

17 SECTION 11. Section 142-8, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§142-8 Notification of arrival. (a)** The captain of any
20 vessel or aircraft transporting any live animal to any port in
21 ~~[this]~~ the State shall immediately upon arrival in the State



1 notify the department of agriculture. No animal so transported,
2 nor any portion of the food or water nor any effects connected
3 therewith or provided for the animal's use during transit, shall
4 be removed from the wharf or airport until the department of
5 agriculture has inspected and passed the same. The
6 department[~~7~~] of agriculture, at the owner's or shipper's
7 expense, may require that the animal be moved to a more suitable
8 location for inspection.

9 (b) A person who violates this section shall be guilty of
10 a misdemeanor."

11 SECTION 12. Section 142-12, Hawaii Revised Statutes, is
12 amended to read as follows:

13 "**§142-12 Penalties.** (a) Any person violating any
14 provision of this chapter or any rule adopted pursuant [~~thereto,~~
15 ~~for which action a penalty is not otherwise provided, is guilty~~
16 ~~of a misdemeanor and, upon conviction thereof,~~] to this chapter
17 that is designated as a petty misdemeanor shall be [~~punished~~]
18 sentenced as follows:

19 (1) For the first [~~conviction, by~~] offense, or any offense
20 not preceded within a five-year period by an offense
21 under the same section, a fine of not [~~more~~] less than



1 ~~[\$1,000]~~ \$250 or ~~[by]~~ imprisonment of ~~[not more than~~
2 ~~one year,]~~ thirty days or less, but not less than
3 three consecutive days, or both[-];

4 (2) For ~~[a second conviction within one year]~~ an offense
5 that occurs within five years of a previous
6 conviction~~[- by]~~ for an offense under the same
7 section, a fine of not less than \$500 ~~[nor more than~~
8 ~~\$1,000]~~ or ~~[by]~~ imprisonment of ~~[not more than one~~
9 ~~year,]~~ thirty days or less, but not less than ten
10 days, or both[-]; and

11 (3) For ~~[a third conviction]~~ an offense that occurs within
12 five years of ~~[the first conviction, by]~~ two or more
13 previous convictions for offenses under the same
14 section, a fine of ~~[not less than]~~ \$1,000 or ~~[by]~~
15 imprisonment of ~~[one year,]~~ thirty days, or both.

16 (b) Any person~~[- carrier, or handler who has been~~
17 ~~convicted of a violation]~~ violating any provision of this
18 chapter ~~[more than three times within a five year period or~~
19 ~~whose violation poses a grave or serious health threat to the~~
20 ~~State's citizens, animal industry, wildlife, or domestic~~
21 ~~animals, shall be guilty of a class C felony and upon~~



1 ~~conviction]~~ or any rule adopted pursuant to this chapter that is
2 designated as a misdemeanor shall be ~~[punished]~~ sentenced as
3 follows:

- 4 (1) For the first ~~[conviction, by]~~ offense, or any offense
5 not preceded within a five-year period by an offense
6 under the same section, a fine of not ~~[more]~~ less than
7 ~~[\$5,000]~~ \$500 or ~~[by]~~ imprisonment of ~~[not more than~~
8 ~~five years,]~~ one year or less, but not less than five
9 consecutive days, or both[-];
- 10 (2) For ~~[a second conviction]~~ an offense that occurs
11 within five years of a previous conviction[-, by] for
12 an offense under the same section, a fine of not less
13 than ~~[\$3,000 nor more than \$5,000 or by]~~ \$1,000 or
14 imprisonment of ~~[not more than five years,]~~ one year
15 or less, but not less than thirty days, or both[-];
16 and
- 17 (3) For ~~[a third or subsequent conviction]~~ an offense that
18 occurs within five years of [the first conviction, by]
19 two or more previous convictions for offenses under
20 the same section, a fine of ~~[not less than \$5,000 or~~



1 by] \$2,000 or imprisonment of [not more than five
2 years,] one year, or both.

3 (c) ~~[In addition to the penalties in subsection (a) or (b)~~
4 ~~and for the first conviction, the department of agriculture may~~
5 ~~impound, seize, confiscate, destroy, quarantine, sell, auction,~~
6 ~~or dispose of any animal, animal product, container, crate, or~~
7 ~~any other item under the jurisdiction of this chapter in the~~
8 ~~best interest of the State.]~~ Any provision of this chapter or
9 any rule adopted pursuant to this chapter that is not
10 specifically designated as a petty misdemeanor, misdemeanor, or
11 felony, shall be enforced via civil or administrative means.

12 (d) ~~[Persons found to be in possession of any animal,~~
13 ~~fodder, fittings, or effects contrary to this chapter shall be~~
14 ~~found guilty and upon conviction shall be punished in accordance~~
15 ~~with this section.]~~ Any property used or intended for use in the
16 commission of, attempt to commit, or conspiracy to commit a
17 violation of this chapter, or that facilitated or assisted the
18 activity, and any proceeds or other property acquired or
19 maintained with the proceeds from a violation of this chapter
20 may be ordered forfeited to the State, subject to the
21 requirements of chapter 712A."



1 SECTION 13. Section 142-18, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§142-18 Disposal of tuberculous animals.** (a) The owner
4 of all cattle reacting to the tuberculin test shall, subject to
5 section 142-16, cause them to be segregated immediately and,
6 within a reasonable time thereafter, to be delivered for
7 slaughter at [such] a time and place as may be designated by the
8 department of agriculture. The slaughter shall be under the
9 direct supervision of the department of agriculture and in
10 accordance with the meat inspection regulations of the United
11 States Department of Agriculture.

12 (b) Any person who fails to segregate tuberculous animals
13 or deliver them for slaughter shall be guilty of a misdemeanor."

14 SECTION 14. Section 142-20, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§142-20 Premises from which tuberculous cattle removed to**
17 **be disinfected.** (a) Any premises [~~upon which have been kept~~]
18 where animals affected with tuberculosis have been kept shall be
19 disinfected promptly after the removal of the animals [~~and~~], in
20 a manner satisfactory to the department of agriculture and at
21 the expense of the owner.



1 (b) Violation of this section shall be a misdemeanor."

2 SECTION 15. Section 142-23.5, Hawaii Revised Statutes, is
3 amended by amending subsection (b) to read as follows:

4 "(b) Any person who violates ~~[the provisions of]~~
5 subsection (a) ~~[of this section]~~ shall be ~~[fined not more than~~
6 ~~\$1,000 or imprisoned not more than one year, or both.]~~ guilty of
7 a misdemeanor."

8 SECTION 16. Section 142-41, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "§142-41 Brands or marks to be registered and recorded~~[,~~
11 ~~etc.]; penalties.~~ (a) Every owner of livestock in the State
12 shall have the owner's brand or mark, in order to secure its
13 validity and individuality, recorded in a separate book kept for
14 that purpose by the department of agriculture to be known as the
15 "Hawaii Brand Book". No brand or mark shall be recorded ~~[which]~~
16 that may be similar or approximate in design to any brand or
17 mark ~~[which]~~ that has been previously recorded. No record shall
18 be made of any earmark, except only as supplemental
19 identification of a brand. Numerals from 1 to 9 and 0, not used
20 in combination or with symbols, as a brand, shall not be subject



1 to preemptive use but shall be the common property of all
2 persons.

3 (b) The department of agriculture shall establish, by rule
4 adopted pursuant to chapter 91, a fee for each application [for
5 registration shall be established by rule adopted pursuant to
6 chapter 91.] to register a brand or mark. The application may
7 be made directly to the department[7] of agriculture, through
8 its duly authorized agents, or through any duly authorized
9 police officer. The chief of police of the respective counties
10 shall authorize police officers to receive applications for
11 registration of brands under this section. All moneys [se]
12 received under this section shall be [~~paid to the director of~~
13 ~~finance.~~] deposited with the director of finance who shall
14 deposit the moneys into the animal industry special fund
15 established pursuant to section 142-3.6. A signed and dated
16 receipt shall be issued for each paid application. All
17 applications shall be promptly forwarded to the department[7] of
18 agriculture.

19 (c) If it is determined that the application seeks the
20 registration of a brand [which] that either has not already been
21 recorded by another person or is not similar in design to any



1 other previously recorded brand ~~[which]~~ that has not expired,
2 then a certificate showing that ~~[such]~~ the brand or mark has
3 been duly recorded shall be issued forthwith to the applicant.

4 ~~[No record shall be made of any earmark, except only as~~
5 ~~supplemental identification of a brand. Numerals from 1 to 9~~
6 ~~and 0, not used in combination or with symbols, as a brand,~~
7 ~~shall not be subject to preemptive use but shall be the common~~
8 ~~property of all persons.]~~

9 (d) It shall be unlawful for any person to use any brand
10 that has not been duly registered pursuant to this section and
11 any rule adopted thereunder. Any person who violates this
12 subsection shall be fined not more than \$200. Each instance a
13 brand is used in violation of this subsection shall constitute a
14 separate violation."

15 SECTION 17. Section 142-47, Hawaii Revised Statutes, is
16 amended to read as follows:

17 "§142-47 [Obliterating] Altering, removing, or
18 obliterating brand[+] or mark; penalty. Any person who alters,
19 removes, or obliterates any brand or mark, on any animal, by
20 placing another brand or mark over the same, or otherwise,
21 ~~[although without felonious intent,]~~ shall be fined not more



1 than ~~[\$200]~~ \$500 for every brand or mark so altered, removed, or
2 obliterated."

3 SECTION 18. Section 142-48, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§142-48 [Felonious] Prohibited branding[+] or marking;
6 penalty. ~~[Whoever wilfully and feloniously brands, or otherwise~~
7 ~~marks,]~~ Any person who intentionally or knowingly places their
8 own brand or mark on any kine, horse, mule, sheep, goat, or
9 other cattle belonging to another~~[, with one's mark,]~~ or [with]
10 places the brand or mark of [another not] anyone other than the
11 animal's owner [of the animal so branded or marked,] with the
12 intent to convert it to one's own use~~[,]~~ or to the use of
13 another shall be ~~[imprisoned not more than one year, or fined~~
14 ~~not more]~~ guilty of a class C felony and, in addition to any
15 other penalties imposed by the court, be fined not less than
16 ~~[\$200]~~ \$1,000 for each kine, horse, mule, sheep, goat, or other
17 cattle thus branded or marked."

18 SECTION 19. Section 142-49, Hawaii Revised Statutes, is
19 amended to read as follows:

20 "§142-49 Livestock ownership and movement
21 certification[+]; penalty. (a) Every owner, upon sale or



1 transportation of livestock, including cattle, horses, sheep,
2 goats, pigs, bison, or llamas, shall complete a certificate
3 describing the animal or animals including sex, breed, age, and
4 brand and indicating the seller or owner, buyer or consignee,
5 and origin and destination. Two copies of the certificate shall
6 accompany the shipment, one copy shall be given or
7 electronically transmitted to the department of agriculture, and
8 [a] one copy shall be retained by the owner. One of the copies
9 of the certificate shall be presented upon request to a law
10 enforcement officer or other officer or employee as described in
11 section 142-29.

12 (b) Any person who violates this section upon the sale of
13 livestock, transport of livestock to slaughter, or transport of
14 livestock interisland or interstate shall be assessed an
15 administrative penalty of up to \$500 per animal moved without a
16 certificate."

17 SECTION 20. Section 142-61, Hawaii Revised Statutes, is
18 amended by amending subsection (i) to read as follows:

19 "(i) Any person who constructs or maintains an
20 electrically charged fence or fence with electrically charged
21 attachments not conforming to the requirements of this section



1 shall be [~~fined no more than \$500, or imprisoned no more than~~
2 ~~one year, or both.~~] guilty of a misdemeanor."

3 SECTION 21. Section 142-62, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§142-62 Breaking, etc., of fence; penalty. If any person
6 maliciously and designedly opens a gateway, or breaks a fence,
7 so as to allow any animal ingress or egress, so that it may
8 commit a trespass, or maliciously and designedly drives or leads
9 any animal into another locality where it may commit a trespass,
10 the person shall, for every offense, be [~~fined not more than~~
11 ~~\$100, or imprisoned not more than one year.~~] guilty of a petty
12 misdemeanor."

13 SECTION 22. Section 142-72, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "§142-72 Procedure, if owner believes impounding illegal.
16 If the owner of any animal taken up for trespass has reason to
17 believe that the taking up or impounding of the animal was
18 illegal, or if the owner regards the claim for damages or
19 expenses as excessive, the owner may have the owner's animal
20 returned to the owner upon the [~~owner's~~] owner delivering to the
21 landowner or to the pound keeper[, ~~if the animal has been~~



1 ~~impounded,~~] a certificate from any district judge of the
2 circuit[~~7~~] in which the animal was impounded, stating that the
3 owner has deposited with the judge the amount claimed by the
4 landowner, together with the pound fees, if any, or a good and
5 sufficient bond for the same and the costs of an action before
6 the judge."

7 SECTION 23. Section 142-74, Hawaii Revised Statutes, is
8 amended by amending subsection (a) to read as follows:

9 "(a) If any dog, while on private property without the
10 consent of the owner of that property, injures or destroys any
11 sheep, cattle, goat, hog, fowl, or other property belonging to
12 any person other than the owner of the dog, the owner of the dog
13 shall be liable in damages to the person injured for the value
14 of the property so injured or destroyed. The owner of the dog
15 shall confine or destroy the dog, and if the owner of the dog
16 neglects or refuses to do so, the owner of the dog, in the event
17 of any further damage being done to the person or property of
18 any person by the dog, in addition to paying the person injured
19 for the damage, shall be guilty of a misdemeanor and pay the
20 costs of the trial [~~together with the penalty imposed under~~



1 ~~section 142-12~~], and it shall be lawful for any other person to
2 destroy the dog."

3 SECTION 24. Section 142-91, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§142-91 Destruction of animals ferae naturae[-]; penalty.**

6 (a) No person shall shoot or otherwise destroy any animal ferae
7 naturae or its progeny within ten years of the introduction of
8 the species into the State.

9 (b) Nothing in this section shall be construed to prohibit
10 the destruction of ~~[such]~~ animals ~~[as shall be proved]~~ that are
11 proven to be common nuisances.

12 (c) Any person who violates this section shall be guilty
13 of a misdemeanor."

14 SECTION 25. Section 142-93, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§142-93 Harboring mongoose; penalty.** Any person
17 harboring, feeding, or in any way caring for a mongoose, except
18 upon and according to the terms of a written permit ~~[which]~~ that
19 may be granted ~~[therefor]~~ by the department of agriculture, in
20 its discretion, to scientists, scientific institutions,
21 associations, or colleges, or to officers, boards, or



1 commissions of the State or any county, shall be [penalized
2 pursuant to section 142-12.] guilty of a misdemeanor."

3 SECTION 26. Section 142-95, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§142-95 Rabbits, Belgian hares, to be kept off ground;**
6 **penalty.** (a) Any person who breeds, raises, or keeps rabbits
7 or Belgian hares shall keep them off the ground.

8 (b) Any person who violates this section shall be [fined
9 not more than \$100 or imprisoned not more than six months, or
10 both.] guilty of a petty misdemeanor."

11 PART IV

12 SECTION 27. Section 145-5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§145-5 Reports of consignment sales.** Every commission
15 merchant shall make a written report to the producer for farm
16 produce handled on consignment [in] on behalf of said producer
17 [which shall be], within [such] the time and [in such detail]
18 manner as may be prescribed by the department. Making a false
19 or incorrect report shall constitute a misdemeanor under section
20 145-12."



1 SECTION 28. Section 145-12, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "§145-12 [~~Misdemeanor.~~] Criminal penalties. [Any] Unless
4 otherwise provided, any person who violates this chapter shall
5 be [fined not more than \$1,000 or imprisoned not more than one
6 year, or both.] guilty of a misdemeanor."

7 SECTION 29. Section 145-22, Hawaii Revised Statutes, is
8 amended as follows:

9 1. By amending subsection (a) to read:

10 "(a) Every person, upon sale of any agricultural commodity
11 or upon transportation of lots of any agricultural commodity [~~of~~
12 ~~more than two hundred pounds or with a value of at least \$100~~
13 ~~that is marketed for commercial purposes]~~, shall complete and
14 retain a certificate describing the commodity, the amount of the
15 commodity, and value of the commodity[~~, and~~]. The certificate
16 shall include:

17 (1) The seller's name, residence address, telephone
18 number, and license plate number of any vehicle used
19 by the seller to deliver the commodity to the place of
20 purchase;

21 (2) The name of the farm owner and address of origin;



(3) The name of the buyer or consignee, and destination;
and

(4) The signature of the seller and, upon sale, the
signature of the buyer or consignee."

2. By amending subsection (e) to read:

"(e) ~~[This]~~ A failure to comply with any requirement under
this section shall constitute a criminal offense subject to
penalties under section 145-25; provided that this section shall
not apply to the retail sale of an agricultural commodity to the
final consumer."

SECTION 30. Section 145-24, Hawaii Revised Statutes, is
amended to read as follows:

"~~[+] §145-24 [.]~~ **Authorization to inspect.** (a) Every law
enforcement officer or other officer or employee ~~[as described
in section 145-25]~~ having ~~[probable cause]~~ reason to believe
based upon specific and articulable facts that the possession,
sale, or transportation of agricultural commodities is unlawful,
may take reasonable steps to detain the person having
possession, selling, or transporting the agricultural
commodities and request from the person being detained proof of
ownership of the commodities.



1 (b) For the purposes of this section, "officer or
2 employee" has the same meaning as defined in section 145-27."

3 SECTION 31. Section 145-25, Hawaii Revised Statutes, is
4 amended to read as follows:

5 **"§145-25 Enforcement; criminal penalties. [Violations] In**
6 **addition to any civil or administrative penalties or remedies,**
7 **violations of this part or any rule adopted pursuant thereto**
8 **shall be criminal offenses and shall be sentenced as follows:**

9 (1) ~~[A violation]~~ Any offense in which the value of the
10 agricultural commodity exceeds \$100 shall be a class C
11 felony; and

12 (2) ~~[A violation]~~ Any offense in which the value of the
13 agricultural commodity is \$100 or less shall be a
14 misdemeanor."

15 SECTION 32. Section 145-23, Hawaii Revised Statutes, is
16 repealed.

17 ~~["§145-23 Lack of proof of ownership as a violation. The~~
18 ~~failure of any person who sells, transports, or possesses after~~
19 ~~sale or transport, agricultural commodities to maintain a~~
20 ~~certificate of ownership or other written proof of ownership of~~
21 ~~the agricultural commodity, as described in section 145-22, is a~~



1 ~~violation of this part and also prima facie evidence of an~~
2 ~~offense under section 708-831(1)(c)."]~~

3 PART V

4 SECTION 33. Section 146-22, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§146-22 Reports. Every person who slaughters a calf,
7 heifer, cow, steer, or bull, whether wild or domesticated, at
8 any place other than a duly licensed slaughterhouse shall comply
9 with section 146-21 and~~[, in addition thereto, shall forthwith]~~
10 report ~~[such]~~ the slaughtering to the officer in charge of
11 recording brands. ~~[Such]~~ The report shall include a description
12 of the animal slaughtered, including its sex and a full
13 description of each and every brand on the animal, the date and
14 place of slaughter, and the name of the person from whom, and
15 date when, the animal was acquired. If any of the described
16 brands on the animal appear to be altered, removed, or
17 obliterated, as described in section 142-47, or to be
18 ~~[felonious,]~~ prohibited, as described in section 142-48, the
19 person discovering the altered, removed, obliterated, or
20 prohibited brand shall make a report of the altered, removed,
21 obliterated, or ~~[felonious]~~ prohibited brand to any law



1 enforcement officer or the department of agriculture, as
2 provided by law, and the appropriate law enforcement agency
3 [pursuant to rules adopted by the department of agriculture]."

4 SECTION 34. Section 159-15, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§159-15 Bonding. Upon a person being granted a license
7 to slaughter animals for the purpose of using the meat or meat
8 products thereof in intrastate commerce, the board shall exact
9 from the licensee a bond, or other form of surety acceptable to
10 the board or an appropriate agent, officer, or employee
11 designated by the board, in the penal sum of \$5,000, the bond or
12 other form of surety to be obtained from a surety company or
13 financial institution authorized to do business in the State and
14 to be so conditioned that the licensee shall be required to keep
15 a full and accurate record concerning every animal ~~[which]~~ that
16 the licensee may purchase, kill, or sell; and that the licensee
17 will at all times during regular business hours keep the record
18 open for the inspection by representatives of the board who may
19 desire to examine the same. The record shall contain:

20 (1) The sex of the animal~~[+]~~;



- (2) A full description of each and every brand on the animal, stating the position of each brand on the animal. If any of the described brands on the animal appear to be altered, removed, or obliterated, as described in section 142-47, or to be [~~felonious~~,] prohibited, as described in section 142-48, the person shall make a report of the altered, removed, obliterated, or [~~felonious~~] prohibited brand to the appropriate law enforcement agency pursuant to rules adopted by the department of agriculture[-];
- (3) Ear tag number or other mark of identification[-];
- (4) The principal color of the animal[-];
- (5) The name of the person who sold the animal to the licensee[-];
- (6) The date when the animal was sold to the licensee[-];
- (7) The date when the animal was delivered to the licensee[-]; and
- (8) The date when the animal was killed."

PART VI



1 SECTION 35. Section 183D-1, Hawaii Revised Statutes, is
2 amended by adding a new definition to be appropriately inserted
3 and to read as follows:

4 "Agricultural land" means any land used primarily for a
5 farming operation, as defined in section 165-2. "Agricultural
6 land" includes land used for farm buildings and dwellings and
7 roads and irrigation infrastructure associated with the
8 agricultural land."

9 SECTION 36. Section 183D-5, Hawaii Revised Statutes, is
10 amended to read as follows:

11 **"§183D-5 Penalties.** (a) Any person violating section
12 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
13 this chapter shall be guilty of a petty misdemeanor, and upon
14 conviction thereof, shall be ~~[punished]~~ sentenced as follows:

15 (1) For a first conviction, by a mandatory fine of not
16 less than \$100, or imprisonment of not more than
17 thirty days, or both;

18 (2) For a second conviction within five years of a
19 previous conviction, by a mandatory fine of not less
20 than \$500, or by imprisonment of not more than thirty
21 days, or both, and all firearms used in the commission



1 of the violations shall be considered contraband to be
2 forfeited to and disposed of by the State; and

3 (3) For a third or subsequent conviction within five years
4 of the first two or more convictions, by a mandatory
5 fine of not less than \$1,000, or by imprisonment of
6 not more than thirty days, or both, and all firearms
7 used in the commission of the violations shall be
8 considered contraband to be forfeited to and disposed
9 of by the State.

10 (b) Any person violating section [~~183D-66,~~] 183D-25.5,
11 [~~183D-26, 183D-27,~~] 183D-32, 183D-62, [~~or~~] 183D-64, or 183D-66
12 shall be guilty of a misdemeanor, and upon conviction thereof,
13 shall be [~~punished~~] sentenced as follows:

14 (1) For a first conviction, by a mandatory fine of not
15 less than \$200, or by imprisonment of not more than
16 one year, or both and all animal parts, products, or
17 items containing prohibited animal parts or products
18 involved in the commission of the violations shall be
19 considered contraband to be forfeited to and disposed
20 of by the State;



1 (2) For a second conviction within five years of a
2 previous conviction, by a mandatory fine of not less
3 than \$1,000, or by imprisonment of not more than one
4 year, or both, and all firearms, animal parts,
5 products, or items containing prohibited animal parts
6 or products used in the commission of the violations
7 shall be considered contraband to be forfeited to and
8 disposed of by the State; and

9 (3) For a third or subsequent conviction within five years
10 of the first two or more convictions, by a mandatory
11 fine of not less than \$2,000, or by imprisonment of
12 not more than one year, or both, and all firearms,
13 animal parts, products, or items containing prohibited
14 animal parts or products used in the commission of the
15 violations shall be considered contraband to be
16 forfeited to and disposed of by the State[-];

17 provided that any violation of section 183D-26 or 183D-27 that
18 occurs on agricultural land shall be sentenced pursuant to
19 subsection (d).



1 (c) Any person who violates section 183D-52 shall be
2 guilty of a misdemeanor, and upon conviction thereof, shall be
3 ~~[punished]~~ sentenced as follows:

4 (1) For a first conviction, by a mandatory fine of not
5 less than \$10,000 and payment of any costs incurred in
6 the eradication of any deer and the deer's progeny
7 that has been possessed, transferred, transported, or
8 released after transport, or [by] imprisonment of not
9 more than one year, or both;

10 (2) For a second conviction within five years of a
11 previous conviction, by a mandatory fine of not less
12 than \$15,000 and payment of any costs incurred in the
13 eradication of any deer and the deer's progeny that
14 has been possessed, transferred, transported, or
15 released after transport, or by imprisonment of not
16 more than one year, or both; and

17 (3) For a third or subsequent conviction within five years
18 of the first two or more convictions, by a mandatory
19 fine of not less than \$25,000 and payment of any costs
20 incurred in the eradication of any deer and the deer's
21 progeny that has been possessed, transferred,



1 transported, or released after transport, or by
2 imprisonment of not more than one year, or both[-];
3 provided that any violation of section 183D-26 or 183D-27 that
4 occurs on agricultural land shall be sentenced pursuant to
5 subsection (d).

6 (d) Any person who violates section 183D-26 or 183D-27, if
7 the offense occurred on agricultural land, shall be guilty of a
8 class C felony, and upon conviction thereof, shall be sentenced
9 as follows, without possibility of probation or suspension of
10 sentence:

11 (1) For a first offense, or any offense not preceded
12 within a ten-year period by a conviction for an
13 offense under the same section:

14 (A) An indeterminate term of imprisonment of five
15 years with a mandatory minimum term of
16 imprisonment of not less than one hundred eighty
17 days; or

18 (B) A term of probation of four years with conditions
19 to include but not be limited to not less than
20 one hundred eighty days of imprisonment; or



1 (2) For an offense that occurs within ten years of a
2 previous conviction for an offense under the same
3 section, an indeterminate term of imprisonment of five
4 years with a mandatory minimum term of imprisonment of
5 not less than one year;

6 provided that all animal parts, products, or items containing
7 prohibited animal parts or products involved in the commission
8 of the violations shall be considered contraband to be forfeited
9 to and disposed of by the State; provided further that any
10 property used in the commission of the offense, or that
11 facilitated or assisted in the offense, including firearms,
12 hunting animals, or vehicles, shall be subject to forfeiture
13 under chapter 712A.

14 ~~[(d)]~~ (e) Any person who violates section 183D-35,
15 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
16 guilty of a petty misdemeanor, and upon conviction thereof,
17 shall be fined not less than \$100 or imprisoned not more than
18 thirty days, or both.

19 ~~[(e)]~~ (f) In addition to any other penalty imposed under
20 this section, a mandatory fine of \$100 shall be levied for each
21 bird illegally taken under this chapter and a mandatory fine of



1 \$500 shall be levied for each mammal illegally taken under this
2 chapter.

3 ~~[(f)]~~ (g) Any person who is convicted of violating any of
4 the game laws of the State shall immediately have the person's
5 hunting license forfeited and any person convicted for a second
6 offense shall not be granted a license to hunt for a period of
7 three years after the date of the second conviction.

8 ~~[(g)]~~ (h) The environmental court, in lieu of the actual
9 cash payment of any mandatory fine, may allow the defendant to
10 perform the community service as directed by the department of
11 land and natural resources at the rate of one hour of service
12 for every \$10 of mandatory fine imposed.

13 ~~[(h)]~~ (i) Any criminal action against a person for any
14 violation of this chapter shall not be deemed to preclude the
15 State from pursuing civil legal action to recover administrative
16 fines and costs against that person. Any civil legal action
17 against a person to recover administrative fines and costs for
18 any violation of subtitle 4 of title 12 or any rule adopted
19 thereunder shall not be deemed to preclude the State from
20 pursuing any criminal action against that person."



1 SECTION 37. Section 183D-27, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§183D-27 Night hunting on private lands; prohibition.**

4 (a) Notwithstanding section 183D-26, no person shall take or
5 pursue any game bird, game mammal, wild bird, or wild mammal at
6 night on privately owned lands, except as authorized by the
7 department pursuant to section 183D-61. For the purpose of this
8 section, "night" means the period between one-half hour after
9 sunset and one-half hour before sunrise.

10 (b) For purposes of this section, the fact that the person
11 is found upon any privately owned agricultural land shall be
12 prima facie evidence that the person knew that the person had
13 entered privately owned agricultural land.

14 (c) If the offense occurs on agricultural land, any
15 property used or intended for use in the commission of, attempt
16 to commit, or conspiracy to commit the offense, or that
17 facilitated or assisted the activity, and any proceeds or other
18 property acquired or maintained with the proceeds from the
19 offense may be ordered forfeited to the State, subject to the
20 requirements of chapter 712A."

21 PART VII



SECTION 38. Chapter 708, Hawaii Revised Statutes, is amended by adding a new section to part III to be appropriately designated and to read as follows:

"§708- Criminal trespass on agricultural land. (1) A person commits the offense of criminal trespass on agricultural land if the person enters or remains unlawfully on agricultural land without the permission of the owner of the land, the owner's agent who is authorized by the owner to give the permission, or the person in lawful possession of the land, and the agricultural land:

(a) Is fenced, enclosed, or secured in a manner designed to exclude intruders or marked by a structure or barrier, including a cattle grid, cattle grate, or other obstacle, used to secure livestock; or

(b) At the time of entry, is fallow or has a visible presence of livestock-raising, such as cattle, horses, water troughs, shelters, or paddocks, or a crop:

(i) Under cultivation;

(ii) In the process of being harvested; or

(iii) That has been harvested.

(2) Subsection (1) shall not apply to:



1 (a) A process server who enters or remains in or upon the
2 land or premises of another, unless the land or
3 premises are secured with a fence and locked gate, for
4 the purpose of making a good faith attempt to perform
5 the process server's legal duties and to serve process
6 upon any of the following:

- 7 (i) An owner or occupant of the land or premises;
8 (ii) An agent of the owner or occupant of the land or
9 premises; or
10 (iii) A lessee of the land or premises.

11 For the purposes of this paragraph, "process server"
12 means any person authorized under the Hawaii rules of
13 civil procedure, district court rules of civil
14 procedure, Hawaii family court rules, or section
15 353C-11 to serve process; or

16 (b) A professional land surveyor, or assistant under the
17 direct supervision of the professional land surveyor,
18 who enters or remains in or upon the land or premises
19 of another for the purpose of performing land
20 surveying at the request of the landowner of, or



1 person with an interest in, the real property to be
2 surveyed.

3 (3) Except as provided in subsection (4), criminal
4 trespass on agricultural land shall be a misdemeanor, and any
5 person who violates this section shall be sentenced as follows,
6 without possibility of probation or suspension of sentence:

7 (a) For a first offense, or any offense not preceded
8 within five years of a previous conviction for an
9 offense under this section:

10 (i) A term of imprisonment of not less than three
11 consecutive days; and

12 (ii) A fine of not less than \$500;

13 (b) For an offense that occurs within five years of a
14 previous conviction for an offense under this section:

15 (i) A term of imprisonment of not less than thirty
16 days; and

17 (ii) A fine of not less than \$1,000; and

18 (c) For an offense that occurs within five years of two or
19 more previous convictions for offenses under this
20 section:



1 (i) A term of imprisonment of not less than ninety
2 days; and

3 (ii) A fine of \$2,000.

4 (4) Any person who violates this section while in
5 possession of a dangerous instrument shall be guilty of a class
6 C felony.

7 (5) Any fines imposed in connection with the offense under
8 this section shall be deposited with the director of finance who
9 shall deposit the fines into the animal industry special fund
10 established pursuant to section 142-3.6.

11 (6) For the purposes of this section:

12 "Agricultural land" means any land used primarily for a
13 farming operation. "Agricultural land" includes state- or
14 county-owned agricultural land, privately owned agricultural
15 land, and land used for farm buildings and dwellings and roads
16 and irrigation infrastructure associated with these lands.

17 "Dangerous instrument" has the same meaning as defined in
18 section 707-700.

19 "Fallow" means land associated with agricultural production
20 that is left unseeded or unplanted for one or more growing
21 seasons.



1 "Farming operation" means a commercial agricultural or
2 aquacultural facility or pursuit conducted, in whole or in part,
3 including the care and production of livestock and livestock
4 products, poultry and poultry products, apiary products, and
5 plant and animal production for nonfood uses; the planting,
6 cultivating, harvesting, and processing of crops; and the
7 farming or ranching of any plant or animal species in a
8 controlled salt, brackish, or freshwater environment."

9 SECTION 39. Section 708-814, Hawaii Revised Statutes, is
10 amended by amending subsection (1) to read as follows:

11 "(1) A person commits the offense of criminal trespass in
12 the second degree if:

13 (a) The person knowingly enters or remains unlawfully in
14 or upon premises that are enclosed in a manner
15 designed to exclude intruders or are fenced;

16 (b) The person enters or remains unlawfully in or upon
17 commercial premises after a reasonable warning or
18 request to leave by the owner or lessee of the
19 commercial premises, the owner's or lessee's
20 authorized agent, or a police officer; provided that
21 this paragraph shall not apply to any conduct or



1 activity subject to regulation by the National Labor
2 Relations Act.

3 For the purposes of this paragraph, "reasonable
4 warning or request" means a warning or request
5 communicated in writing at any time within a one-year
6 period inclusive of the date the incident occurred,
7 which may be evidenced by a copy of the previously
8 issued written warning or request, whether or not the
9 copy is posted at the premises or retained by the
10 county police department, and which may contain but is
11 not limited to the following information:

12 (i) A warning statement advising the person that the
13 person's presence is no longer desired on the
14 property for a period of one year from the date
15 of the notice, that a violation of the warning
16 will subject the person to arrest and prosecution
17 for trespassing pursuant to this subsection, and
18 that criminal trespass in the second degree is a
19 petty misdemeanor;

20 (ii) The legal name, any aliases, and a photograph, if
21 practicable, or a physical description, including



1 but not limited to sex, racial extraction, age,
2 height, weight, hair color, eye color, or any
3 other distinguishing characteristics of the
4 person warned;

5 (iii) The name of the person giving the warning along
6 with the date and time the warning was given; and

7 (iv) The signature of the person giving the warning,
8 the signature of a witness or police officer who
9 was present when the warning was given and, if
10 possible, the signature of the violator;

11 ~~[(c) The person enters or remains unlawfully on~~
12 ~~agricultural lands without the permission of the owner~~
13 ~~of the land, the owner's agent, or the person in~~
14 ~~lawful possession of the land, and the agricultural~~
15 ~~lands;~~

16 ~~(i) Are fenced, enclosed, or secured in a manner~~
17 ~~designed to exclude intruders;~~

18 ~~(ii) Have a sign or signs displayed on the unenclosed~~
19 ~~cultivated or uncultivated agricultural land~~
20 ~~sufficient to give notice and reading as follows:~~
21 ~~"Private Property" or "Government Property" No~~



1 ~~Trespassing". The sign or signs, containing~~
2 ~~letters no less than two inches in height, shall~~
3 ~~be placed at reasonable intervals no less than~~
4 ~~three signs to a mile along the boundary line of~~
5 ~~the land and at roads and trails entering the~~
6 ~~land in a manner and position as to be clearly~~
7 ~~noticeable from outside the boundary line; or~~
8 ~~(iii) At the time of entry, are fallow or have a~~
9 ~~visible presence of livestock or a crop:~~

10 ~~(A) Under cultivation;~~

11 ~~(B) In the process of being harvested; or~~

12 ~~(C) That has been harvested;~~

13 ~~(d)]~~ (c) The person enters or remains unlawfully on
14 unimproved or unused lands without the permission of
15 the owner of the land, the owner's agent~~[_]~~ who is
16 authorized to give the permission, or the person in
17 lawful possession of the land, and the lands:

18 (i) Are fenced, enclosed, or secured in a manner
19 designed to exclude the general public; or

20 (ii) Have a sign or signs displayed on the unenclosed,
21 unimproved, or unused land sufficient to give



1 reasonable notice and reads as follows: "Private
2 Property - No Trespassing", "Government Property
3 - No Trespassing", or a substantially similar
4 message; provided that the sign or signs shall
5 contain letters no less than two inches in height
6 and shall be placed at reasonable intervals no
7 less than three signs to a mile along the
8 boundary line of the land and at roads and trails
9 entering the land in a manner and position as to
10 be clearly noticeable from outside the boundary
11 line.

12 For the purposes of this paragraph, "unimproved
13 or unused lands" means any land upon which there is no
14 improvement; construction of any structure, building,
15 or facility; or alteration of the land by grading,
16 dredging, or mining that would cause a permanent
17 change in the land or that would change the basic
18 natural condition of the land. Land remains
19 "unimproved or unused land" under this paragraph
20 notwithstanding minor improvements, including the
21 installation or maintenance of utility poles, signage,



1 and irrigation facilities or systems; minor
2 alterations undertaken for the preservation or prudent
3 management of the unimproved or unused land, including
4 the installation or maintenance of fences, trails, or
5 pathways; maintenance activities, including forest
6 plantings and the removal of weeds, brush, rocks,
7 boulders, or trees; and the removal or securing of
8 rocks or boulders undertaken to reduce risk to
9 downslope properties; or

10 ~~[(e)]~~ (d) The person enters or remains unlawfully in or
11 upon any area of a housing project that is closed to
12 the public pursuant to section 356D-6.7 and meets the
13 signage requirements of section 356D-6.7, or the
14 person enters or remains unlawfully in or upon any
15 property that is subject to section 356D-6.7 and meets
16 the signage requirements of section 356D-6.7 after a
17 reasonable warning or request to leave by the housing
18 authority or law enforcement officer, as defined in
19 section 710-1000, based upon an alleged violation of
20 law or administrative rule, notwithstanding any
21 invitation or authorization provided to the person by



1 a tenant of that housing project or a member of that
2 tenant's household.

3 As used in this paragraph:

4 "Housing authority" means a property manager,
5 resident manager, tenant monitors, security guards, or
6 others officially designated by the Hawaii public
7 housing authority, for the housing project.

8 "Housing project" means a public housing project,
9 or elder or elderly housing as defined in
10 section 356D-1, or state low-income housing project as
11 defined in section 356D-51.

12 "Reasonable warning or request" means a warning
13 or request communicated in writing at any time within
14 a one-year period inclusive of the date the incident
15 occurred, which may contain but is not limited to the
16 following information:

- 17 (i) A warning statement advising the person that
18 for a period of one year from the date of
19 the notice, the person's presence is no
20 longer desired in or on the areas of the
21 subject housing project that are closed to



1 the public, that a violation of the warning
2 will subject the person to arrest and
3 prosecution for trespassing pursuant to this
4 subsection, and that criminal trespass in
5 the second degree is a petty misdemeanor;

6 (ii) The legal name, any aliases, and a
7 photograph, if practicable, or a physical
8 description, including but not limited to
9 sex, racial extraction, age, height, weight,
10 hair color, eye color, or any other
11 distinguishing characteristics of the person
12 warned;

13 (iii) The name of the person giving the warning
14 along with the date and time the warning was
15 given;

16 (iv) The signature of the person giving the
17 warning and, if possible, the signature of
18 the violator; and

19 (v) The name and signature of a witness or law
20 enforcement officer, as defined in section



1 710-1000, who was present when the warning
2 was given."

3 SECTION 40. Section 708-820, Hawaii Revised Statutes, is
4 amended by amending subsection (2) to read as follows:

5 "(2) Criminal property damage in the first degree is a
6 class B felony[-]; provided that any person convicted of
7 violating subsection (1)(d) shall be sentenced to a term of
8 imprisonment of not less than one hundred eighty days, without
9 possibility of probation or suspension of sentence."

10 SECTION 41. Section 708-821, Hawaii Revised Statutes, is
11 amended by amending subsection (2) to read as follows:

12 "(2) Criminal property damage in the second degree is a
13 class C felony[-]; provided that any person convicted of
14 violating subsection (1)(c) shall be sentenced to a term of
15 imprisonment of not less than one hundred eighty days, without
16 possibility of probation or suspension of sentence."

17 SECTION 42. Section 708-822, Hawaii Revised Statutes, is
18 amended by amending subsection (2) to read as follows:

19 "(2) Criminal property damage in the third degree is a
20 misdemeanor[-]; provided that any person convicted of violating
21 subsection (1)(c) shall be sentenced to a term of imprisonment



1 of not less than ninety days, without possibility of probation
2 or suspension of sentence."

3 PART VIII

4 SECTION 43. Section 712A-4, Hawaii Revised Statutes, is
5 amended to read as follows:

6 "§712A-4 Covered offenses. Offenses for which property is
7 subject to forfeiture under this chapter are:

- 8 (a) All offenses that specifically authorize forfeiture;
9 (b) Murder; kidnapping; labor trafficking; unlicensed sale
10 of liquor; unlicensed manufacture of liquor; gambling;
11 criminal property damage; robbery; bribery; extortion;
12 theft; unauthorized entry into motor vehicle;
13 burglary; money laundering; trademark counterfeiting;
14 insurance fraud; promoting a dangerous, harmful, or
15 detrimental drug; commercial promotion of marijuana;
16 methamphetamine trafficking; manufacturing of a
17 controlled substance with a child present; promoting
18 child abuse; promoting prostitution; sex trafficking;
19 commercial sexual exploitation of a minor; habitual
20 commercial sexual exploitation; or electronic



1 enticement of a child that is chargeable as a felony
2 offense under state law;

3 (c) The manufacture, sale, or distribution of a controlled
4 substance in violation of chapter 329, promoting
5 detrimental drugs or intoxicating compounds, promoting
6 pornography, promoting pornography for minors, or
7 commercial sexual exploitation near schools or public
8 parks, which is chargeable as a felony or misdemeanor
9 offense, but not as a petty misdemeanor, under state
10 law; ~~and~~

11 (d) The attempt, conspiracy, solicitation, coercion, or
12 intimidation of another to commit any offense for
13 which property is subject to forfeiture[-]; and

14 (e) Criminal trespass on agricultural land as defined in
15 section 708- ."

16 PART IX

17 SECTION 44. This Act does not affect rights and duties
18 that matured, penalties that were incurred, and proceedings that
19 were begun before its effective date.

20 SECTION 45. In codifying the new sections added by
21 sections 5 and 6 of this Act, the revisor of statutes shall



1 substitute appropriate section numbers for the letters used in
2 designating the new sections in this Act.

3 SECTION 46. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 SECTION 47. This Act shall take effect on July 1, 2025;
6 provided that part II of this Act shall be repealed on July 1,
7 2028.



Report Title:

DLE; Department of Agriculture; Agricultural Crimes;
Agricultural Enforcement Pilot Program; Theft of an Agricultural
Product or Commodity; Inspection; Branding; Penalties;
Positions; Appropriations

Description:

Establishes the temporary Agricultural Enforcement Pilot Program
within the Department of Law Enforcement. Clarifies, creates,
and strengthens laws regarding crimes and violations related to
agriculture or agricultural lands. Establishes clear
distinctions between administrative and criminal penalties.
Establishes positions. Appropriates funds. (CD1)

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

