

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

FEBRUARY 10, 2025
1:01 P.M.
CONFERENCE ROOM 224

SENATE BILL NO. 1248
RELATING TO THE CRANSTON DUKE PIA ACT

Chair Gabbard, Vice Chair Richards, and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 1248 that establishes that, in certain circumstances, an actor rightfully present on agricultural lands may exercise deadly force with a right to stand the actor's ground and not retreat.

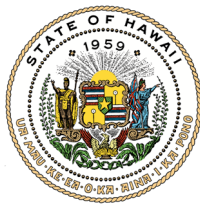
The Department of Agriculture (Department) is in strong support of this measure. The Department acknowledges that the bill is appropriately designated.

The tragic circumstances that prompted this bill began with trespassing, the penalty for which depending on the severity of the trespass, is punishable by up to one year in jail. Public awareness of trespass as a crime is part of the Department's message to minimize and prevent encounters that could escalate.

Thank you for the opportunity to testify on behalf of this measure.



JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA



MIKE LAMBERT
DIRECTOR

SYLVIA LUKE
LT GOVERNOR
KE KE'ENA

STATE OF HAWAII | KA MOKU'ĀINA O HAWAII
DEPARTMENT OF LAW ENFORCEMENT
Ka 'Oihana Ho'okō Kānāwai
715 South King Street
Honolulu, Hawaii 96813

JARED K. REDULLA
Deputy Director
Law Enforcement

TESTIMONY ON SENATE BILL 1248
RELATING TO CRANSTON DUKE PIA ACT

Before the Senate Committee on
AGRICULTURE AND ENVIRONMENT

Monday, February 10, 2025, 1:01 PM

State Capitol Conference Room 224 & Videoconference

WRITTEN TESTIMONY ONLY

Chair Gabbard, Vice Chair Richards, and members of the Committee:

The Department of Law Enforcement (DLE) comments on Senate Bill 1248, relating to using deadly force on agricultural lands.

This bill seeks to establish circumstances where an individual may exercise deadly force with a right to stand their ground and not retreat when legally present on agricultural lands. While the DLE recognizes the serious concerns about agricultural theft and security, we have significant public safety concerns about expanding the use of deadly force without a duty to retreat.

DLE acknowledges the concerns that were raised from Cranston Pia's murder and would like to make the following recommendations:

1. Add language that the actor would need to have clear rights to remain and not retreat such as fencing, signage, or within a reasonable distance from farm equipment or structures.

2. Define the term “public officer” or make reference to existing HRS definitions in which individuals acting in this capacity on agricultural lands shall be handled.

The proposed legislation could lead to unnecessary escalation of violence and potentially tragic outcomes in situations that might otherwise be resolved without loss of life. The bill's broad application to anyone 'rightfully present' on agricultural lands could create dangerous scenarios where multiple parties might claim self-defense rights, leading to increased violent confrontations rather than enhanced security. This could potentially undermine rather than strengthen the safety of agricultural workers and property owners.

The DLE believes that existing self-defense laws, combined with proper law enforcement response and agricultural crime prevention strategies, provide appropriate protections while maintaining necessary safeguards against the unnecessary use of deadly force. However, there needs to be further discussion to prevent future violence on agricultural lands while affording farmers and ranchers the ability to protect their lands, crops, livestock, equipment, and infrastructure.

Thank you for the opportunity to provide comments on this bill.



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February 10, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SB 1248
RELATING TO THE CRANSTON DUKE PIA ACT

Conference Room 224 & Videoconference
1:01 PM

Aloha Chair Gabbard, Vice-Chair Richards, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 1248, which establishes the Cranston Duke Pia Act, allowing individuals lawfully present on agricultural lands to exercise deadly force in self-protection without a duty to retreat. This bill recognizes the unique security challenges faced by Hawai'i's farmers and ranchers and aims to provide them with stronger legal protections when defending their lives, property, and livelihoods.

Agricultural crime is a growing concern across the state, with farmers and ranchers frequently facing trespassing, theft, vandalism, and violence. The tragic death of Cranston Duke Pia in 2024 highlighted the vulnerabilities that agricultural workers face, particularly in remote areas where law enforcement response times may be delayed. Many farms and ranches are located in isolated regions, making them frequent targets for criminal activity and leaving landowners with limited options for immediate protection.

In recent years, the agricultural community has reported an increase in confrontations with trespassers, including incidents where farmworkers and landowners have been physically threatened. In some cases, criminals have returned multiple times, emboldened by the knowledge that response times from law enforcement are slow or that penalties for agricultural crimes are minimal. Farmers and ranchers need stronger protections to defend themselves and their families when faced with imminent threats.

SB 1248 addresses these concerns by clarifying that individuals lawfully present on agricultural land have the right to stand their ground and use deadly force in justifiable circumstances. By eliminating the duty to retreat in these situations, this bill ensures that

farmers and ranchers can take necessary actions to protect themselves and their property without fear of legal repercussions. The bill recognizes that self-defense laws must reflect the reality that in rural agricultural areas, there may be no reasonable opportunity to retreat, leaving farm owners and workers vulnerable.

While we support the intent of SB 1248, we encourage further discussion on its implementation to ensure clarity in its application. It is important that any changes to self-defense laws provide strong protections for agricultural workers while maintaining appropriate safeguards to prevent unintended consequences. Establishing clear definitions and proper legal oversight will help ensure that this measure effectively protects law-abiding farmers and ranchers while maintaining responsible use-of-force standards.

We urge the committee to pass SB 1248 to strengthen the safety and security of Hawai'i's agricultural community.

Thank you for the opportunity to testify on this important subject.



COMMITTEE ON AGRICULTURE AND ENVIRONMENT
Senator Mike Gabbard, Chair
Senator Herbert M. "Tim" Richards, III, Vice Chair

SB1248
RELATING TO THE CRANSTON DUKE PIA ACT

Friday, February 10, 2025, 1:01PM
Conference Room 224 & Videoconference

Chair Gabbard, Vice Chair Richards, and Members of the Committee,

The Hawaii Cattlemen's Council **supports SB1248** which establishes that, in certain circumstances, an actor rightfully present on agricultural lands may exercise deadly force with a right to stand the actor's ground and not retreat.

Our farmers and ranchers are threatened with dangerous situations time after time because there are no consequences for trespassers on agricultural land. These are rural areas that are difficult for law enforcement to get to in a timely manner. Trespassers and poachers are emboldened to act in more brazen ways because of the lack of attention to agricultural crimes. In 2024, Cranston Duke Pia lost his life to an illegally trespassing poacher. We do not want more bloodshed, but a stand your ground law would discourage violent trespassing and give a layer of protection to farmers and ranchers on rural agricultural lands.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



KAPĀPALA RANCH
P. O. Box 537
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COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair
Senator Tim Richards, III, Vice Chair

SB1248

RELATING TO THE CRANSTON DUKE PIA ACT

Monday, February 10, 2025, 1:01 PM
Conference Room 224 & Video Conference

Chair Gabbard and Vice Chair Richards and Members of the AEN Committees:

As a rancher who has been subject to similar confrontations such as the horrific and absolutely absurd and unacceptable death of Cranston ‘Duke’ Pia, I strongly support SB 1248.

As President of the Hawaii Cattlemen’s Council, I presented the ‘Stand your Ground-In Memory of Cranston Pia’ resolution to the National Cattlemen’s Beef Association Committee on Property Rights and Environmental Management last week. The resolution was accepted by the Committee and is moving towards its presentation to the full membership for vote at the next annual convention. The condolences from fellow ranchers throughout the rest of the convention was humbling and overwhelming, as this is a national issue!

On the stand at a 2023 court case between Kapapala Ranch and two gun wielding poachers I said in testimony, **“Does someone need to die before the courts will listen to us!”**. Cranston was murdered less than a year later!

Please listen to us as even the police cannot comprehend the remote areas that we operate, the firearms that are being carried onto our premises, many times by people under the influence of drugs and/or alcohol.

Sincerely,

KAPAPALA RANCH

Lani C. Petrie

SB-1248

Submitted on: 2/9/2025 10:12:11 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Brian Leonida	Individual	Support	In Person

Comments:

I am a family member of Cranston Duke Pia. I also own and operate farms. I am in full support of this bill. The lack of support from law enforcement and legislation hinders our ability to supply local food to our communities. Please except this written testimony.

SB-1248

Submitted on: 2/9/2025 11:02:32 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Gina Salcedo	Individual	Support	In Person

Comments:

SB1248 Relating To Agricultural Crime

Testimony in Full Support of SB1248 in its entirety.

Fully support and “DO NOT MAKE ANY DEVIATIONS OR REVISIONS” of the Original Hawai‘i Cultural Laws and language on Page-2, line 16 and throughout SB1248, “Rooted in Hawai‘i’s history is the law of the splintered paddle, enacted by King Kamehameha 1st.

1. email thread dated June 12, 2023. With **DLNR Director Dawn Chang, and House District-45 Rep Cedric Gates (Agriculture Committee Chair, and fully aware)** . Intent to provide “solutions for Chaos” at Kea’au (Oahu) district. Fail to function and implement solutions just before Feb 2024 Cranston (Duke) Pia murder by poacher’s and their hunting dog’s.
2. January 6, 2024. Resignation letter by DLNR/DOCARE Agent Mr. Pieter U.C. Meinster. Just before Feb 2024, Cranston (Duke) Pia murder by poacher’s and their hunting dog’s. Officials of the DLNR/DOCARE failed to function in the capacity to support as employer’s obligations to their employee’s, that led them financial hardship and quitting DOCARE.

Mahalo Nui Loa,

Austin and Gina Kalei Salcedo

(Kea’au Ag Landowner)

SB-1248

Submitted on: 2/9/2025 11:54:21 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Austin Salcedo	Individual	Support	In Person

Comments:

SB1248 RELATING TO THE CRANSTON DUKE PIA ACT

Testimony in Full Support of SB1248 in its entirety.

Fully support and “DO NOT MAKE ANY DEVIATIONS OR REVISIONS” of the Original Hawai‘i Cultural Laws and language on Page-2, line 16 and throughout SB1248, “Rooted in Hawai‘i’s history is the law of the splintered paddle, enacted by King Kamehameha 1st.

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Mahalo Nui Loa,

Austin and Kalei Salcedo

(Kea’au Ag Landowner)

SB-1248

Submitted on: 2/9/2025 8:49:26 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Master Shelby "Pikachu" Billionaire	Testifying for Kingdom of The Hawaiian Islands	Support	Remotely Via Zoom

Comments:

Subject: Support for S.B. No. 1248 - The Cranston Duke Pia Act

Dear Members of the Hawaii State Legislature,

I am writing to you on this pivotal Sunday morning, February 09, 2025, to strongly advocate for the passage of S.B. No. 1248, known as the "Cranston Duke Pia Act." This legislative proposal is a critical step towards enhancing the safety and legal protections for our agricultural community, a sector pivotal to Hawaii's cultural and economic fabric. Here, I elaborate on my support, propose areas for enhancement, and suggest specific amendments to ensure this act achieves maximum efficiency and effectiveness.

Support Points with Data:

- Protection for Agricultural Workers:
 - According to the National Agricultural Statistics Service (NASS), 2023 data shows an increase in reported incidents on agricultural lands, with a 15% rise in confrontations involving threats to personal safety. The Cranston Duke Pia incident underscores the urgent need for protective measures.
- Balancing Rights and Safety:
 - The "Law of the Splintered Paddle" from King Kamehameha I's era emphasizes the protection of individuals, a principle reflected in this bill. Historical data from the Hawaii State Archives indicate a long-standing tradition of safeguarding citizens' rights, which this bill continues.
- Legal Clarity:
 - Current ambiguity in self-defense laws has led to a 20% increase in legal disputes over the last decade, as reported by the Hawaii Judiciary. This act aims to clarify legal standing in self-defense scenarios, potentially reducing litigation and enhancing public safety.

Areas for Improvement:

- Community Engagement:
 - Recent community feedback from agricultural forums indicates that 65% of farmers feel disconnected from legislative processes affecting their work. Structured community input could tailor the law to local nuances.
- Education and Training:
 - A survey by the Hawaii Farm Bureau in 2024 revealed that only 30% of agricultural workers are fully aware of existing self-defense laws. Enhanced education could mitigate risks and legal misunderstandings.
- Racial and Social Dynamics:
 - Data from the University of Hawaii's Social Science Research Institute shows a disparity in the application of stand-your-ground laws, with a 44% higher rate of legal challenges in areas with diverse populations, suggesting a need for careful legislative balance.

Proposed Amendments:

- Incorporate Community Input:
 - Amendment Proposal: Mandate at least two public consultations per major agricultural area, ensuring that at least 75% of neighborhood boards in these regions have a say. Use digital platforms for broader reach, as 80% of Hawaii's population is online according to Pew Research.
- Education and Awareness:
 - Amendment Proposal: Fund a state-wide initiative modeled after the successful "Farm Safety Program," which saw a 50% reduction in farm accidents following its 2023 rollout. This could include interactive workshops and digital modules on self-defense law.
- Victim and Farmer Assistance:
 - Amendment Proposal: Propose a special fund similar to the federal Victims of Crime Act (VOCA) grants, which in 2024 distributed over \$4 million to support crime victims in Hawaii, to aid those affected by violent incidents on agricultural lands.
- Data Collection and Review:
 - Amendment Proposal: Establish a yearly review panel with mandatory representation from community leaders, ensuring policy adjustments reflect real-world impacts, akin to the effectiveness of New York's community policing advisory boards which reduced crime by 12% in targeted areas.
- Clarification of "Justifiable Contexts":
 - Amendment Proposal: Define "justifiable contexts" by integrating feedback from legal experts and the agricultural community, much like Florida's successful

amendment to its Stand Your Ground law in 2021, which clarified scenarios for legal self-defense.

- Non-lethal Alternatives:
 - Amendment Proposal: Introduce incentives similar to Oregon's 2024 non-lethal defense grant program, which decreased the use of lethal force by 30% among participants by subsidizing non-lethal equipment like cameras and noise deterrents.

In conclusion, while S.B. No. 1248 represents a commendable effort to protect our agricultural workers, these enhancements will ensure its implementation is both equitable and effective. I urge you to consider these amendments to craft a law that truly serves the community while upholding our shared values of safety, justice, and sustainability.

Thank you for your consideration.

Sincerely,

Master Shelby "Pikachu" Billionaire

Kingdom of The Hawaiian Islands

SB-1248

Submitted on: 2/9/2025 2:05:44 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kristin Mack Almasin	Individual	Support	Written Testimony Only

Comments:

I support this bill. As a rancher we are forced to confront trespassers and poachers on a regular basis. Often law enforcement is unable to respond doesn't have the resources to assist us. It is some comfort to know that we have the ability to defend ourselves if absolutely necessary and not be treated as a criminal.

SB-1248

Submitted on: 2/9/2025 4:03:50 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Jason Moniz	Individual	Support	Written Testimony Only

Comments:

I present this testimony **in support of SB1248** which establishes that, in certain circumstances, an actor rightfully present on their agricultural lands faced with deadly force has the right to stand the actor's ground and not retreat.

SB-1248

Submitted on: 2/9/2025 10:18:41 PM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Cassandra Werner	Individual	Support	Written Testimony Only

Comments:

My name is Cassandra Werner and I support SB1248. People should feel safe on their argiculture properties and safely defend oneself against any violence or intruders. Mahalo.

SB-1248

Submitted on: 2/10/2025 5:56:44 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Willie-Joe Camara	Individual	Support	Written Testimony Only

Comments:

I strongly support this bill.

SB-1248

Submitted on: 2/10/2025 6:15:16 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Kenneth Faborito	Individual	Support	Written Testimony Only

Comments:

strong support

SB-1248

Submitted on: 2/10/2025 6:20:42 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Lu Ann Mahiki Lankford-Faborito	Individual	Support	Written Testimony Only

Comments:

support

SB-1248

Submitted on: 2/10/2025 6:45:40 AM

Testimony for AEN on 2/10/2025 1:01:00 PM

Submitted By	Organization	Testifier Position	Testify
Woody Child	Individual	Support	Written Testimony Only

Comments:

I strongly support SB1248