
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 PART I

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

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



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

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



1 Moreover, this Act establishes an agricultural crime
2 prevention program within the department of agriculture, which
3 will play a pivotal role in safeguarding the State's
4 agricultural industry through a combination of grants,
5 educational initiatives, and administrative enforcement
6 measures. By equipping agricultural property owners and
7 community-based organizations with resources such as
8 surveillance equipment, signage, and fencing, the program seeks
9 to proactively deter criminal activity. Additionally, it will
10 support partnerships between law enforcement, community groups,
11 and private entities to enhance investigative and prosecutorial
12 efforts.

13 The legislature affirms its commitment to preserving the
14 State's agricultural legacy and protecting the individuals and
15 communities who dedicate themselves to this critical industry.
16 Through this Act, the State seeks to ensure the safety,
17 integrity, and sustainability of the State's agricultural lands
18 for present and future generations.

19 Accordingly, the purpose of this Act is to:

- 20 (1) Establish an agricultural crime prevention program
21 within the department of agriculture to provide



1 grants, education, administrative enforcement, and
2 other services for the benefit of the State's
3 agricultural industry;

4 (2) Clarify, create, and strengthen laws regarding crimes
5 and violations related to agriculture or agricultural
6 lands and hunting on private agricultural lands;

7 (3) Establish clear distinctions between administrative
8 and criminal penalties; and

9 (4) Appropriate funds for certain positions.

10 PART II

11 SECTION 3. Chapter 141, Hawaii Revised Statutes, is
12 amended by adding a new part to be appropriately designated and
13 to read as follows:

14 "PART . AGRICULTURAL CRIME PREVENTION PROGRAM

15 §141-A Agricultural crime prevention special fund;

16 established. (a) There shall be established within the state
17 treasury the agricultural crime prevention special fund. The
18 special fund shall be administered by the department of
19 agriculture and shall include:

20 (1) Fees received pursuant to section 141-B;

21 (2) Fines collected pursuant to section 708- ;



1 (3) Interest earned or accrued on moneys in the special
2 fund;

3 (4) Any moneys appropriated by the legislature to the
4 special fund; and

5 (5) Grants, donations, and contributions from private or
6 public sources for the purposes of the special fund.

7 (b) The department of agriculture shall expend moneys from
8 the special fund to carry out the purposes of this part,
9 including the implementation and administration of the
10 agricultural crime prevention program.

11 (c) Moneys on balance in the agricultural crime prevention
12 special fund at the close of each fiscal year shall remain in
13 the special fund and shall not lapse to the credit of the
14 general fund.

15 **§141-B Agricultural crime prevention program; established.**

16 (a) The department of agriculture shall establish an
17 agricultural crime prevention program for the purpose of
18 providing grants to agricultural property owners to deter,
19 prevent, and prosecute agricultural crimes.

20 (b) The department of agriculture may:



- 1 (1) Provide grants to assist agricultural property owners
2 with procuring signage, cameras, fencing, and other
3 protective or surveillance equipment;
- 4 (2) Provide signage, cameras, fencing, and other
5 protective or surveillance equipment directly to
6 agricultural property owners;
- 7 (3) Provide grants to assist community-based organizations
8 or law enforcement agencies to develop, implement, and
9 support programs for deterring or preventing and,
10 where appropriate, investigating or prosecuting
11 agricultural crimes;
- 12 (4) Provide staff, administration, and related support
13 required to administer this part;
- 14 (5) Enter into agreements that set forth terms and
15 conditions of the grants, accept funds or grants, and
16 cooperate with private entities and state or county
17 agencies to carry out the purposes of this part;
- 18 (6) Establish, determine, charge, and collect any
19 premiums, fees, charges, costs, and expenses,
20 including application fees, commitment fees, program



- 1 fees, financing charges, or publication fees, in
2 connection with its activities under this part;
- 3 (7) Take whatever actions are necessary or appropriate to
4 protect the State's interest in the event of
5 bankruptcy, default, foreclosure, or noncompliance
6 with the terms and conditions of grants provided under
7 this part, including the ability to recapture funds if
8 the grant recipient is found to be noncompliant with
9 the terms and conditions of the grant agreement;
- 10 (8) Establish application, notification, contract, and
11 other forms and procedures deemed necessary and
12 appropriate;
- 13 (9) Utilize vendors or contract work to carry out the
14 purposes of this part; and
- 15 (10) Take any other action that is consistent with the
16 intent of this part.
- 17 (c) The department of agriculture shall adopt rules in
18 accordance with chapter 91 to implement this part, including:
- 19 (1) Additional requirements and qualifications for
20 determining eligibility of applicants for grants;



- 1 (2) Preferences and priorities in determining eligibility
- 2 for grants;
- 3 (3) Conditions, consistent with the purpose of this part,
- 4 for the awarding of grants;
- 5 (4) Requirements for the inspection at reasonable hours of
- 6 properties, including facilities, books, and records,
- 7 of a grant applicant or grant recipient;
- 8 (5) Requirements for the submission of progress and final
- 9 reports by grant recipients; and
- 10 (6) Appropriate management counseling and monitoring of
- 11 business activities for grant recipients.

12 **§141-C Agricultural crime prevention grants; standards and**
13 **conditions.** (a) Grants made pursuant to this part shall be
14 awarded on a competitive and annual basis. Grants made under
15 this part shall further and promote the goals of the
16 agricultural crime prevention program.

17 (b) Applications for grants shall be made to the
18 department of agriculture and contain any information required
19 under this part and rules adopted pursuant to this part. At a
20 minimum, an applicant shall include the following:



- 1 (1) The name of the organization or individual applying
2 for the grant;
- 3 (2) A statement that the applicant meets the criteria for
4 the grant;
- 5 (3) The intended use of the grant; and
- 6 (4) The location of the agricultural property or community
7 to be benefited.
- 8 (c) Recipients of grants made pursuant to this part shall
9 be subject to the following conditions:
- 10 (1) The recipient shall not use public funds for purposes
11 of entertainment or perquisites, including lobbying
12 activities;
- 13 (2) The recipient of a grant shall comply with state laws
14 and county ordinances;
- 15 (3) The recipient of a grant shall comply with any other
16 requirements that may be prescribed by rules adopted
17 pursuant to this part;
- 18 (4) The recipient of a grant shall allow the department of
19 agriculture, legislature, and auditor full access to
20 records, reports, files, and other related documents
21 so that the program, management, and fiscal practices



1 of the grant recipient may be monitored and evaluated
2 to assure the proper and effective expenditure of
3 public funds;

4 (5) Each grant shall be monitored according to rules
5 adopted pursuant to this part to ensure compliance
6 with this part or rules adopted pursuant to this part;
7 and

8 (6) Any recipient who withholds or omits any material fact
9 or deliberately misrepresents facts to the department
10 of agriculture or who violates the terms of the
11 recipient's contract shall be in violation of this
12 part and, in addition to any other penalties provided
13 by law, shall be prohibited from applying for a grant
14 under this part for a period of five years from the
15 date of termination of the grant or contract."

16 PART III

17 SECTION 4. Chapter 142, Hawaii Revised Statutes, is
18 amended by adding two new sections to part I to be appropriately
19 designated and to read as follows:

20 "§142-A Administrative penalties. (a) Except as
21 otherwise provided by law, the department of agriculture may



1 set, charge, and collect administrative fines, fees, and costs
2 for any violation of this chapter for which a penalty is not
3 otherwise provided, including attorneys' fees and costs, or
4 bring legal action to recover administrative fines, fees, and
5 costs, including attorneys' fees and costs, or payment for
6 damages or for the cost to correct damages resulting from a
7 violation of this chapter or any rule adopted thereunder.

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

11 (1) For a first violation, or any violation not preceded
12 within a five-year period for the same violation, a
13 fine of no more than \$200;

14 (2) For a second violation within five years of a previous
15 violation, a fine of no more than \$500; and

16 (3) For a third or subsequent violation within five years
17 of a previous violation, a fine of no more than
18 \$1,000.

19 Each day or instance of violation shall constitute a separate
20 violation.



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

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

7 (1) Notice was given and a hearing was held or the time
8 granted for requesting a hearing has expired without
9 receiving a request;

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

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

12 (e) In addition to any other administrative or judicial
13 remedy provided in this chapter or any rule adopted thereunder,
14 the department of agriculture may impound, seize, confiscate,
15 destroy, quarantine, sell, auction, or dispose of any animal,
16 animal product, container, crate, or any other item under the
17 jurisdiction of this chapter in the best interest of the State.

18 (f) Any criminal action against a person for any violation
19 of this chapter or any rule adopted thereunder shall not
20 preclude the State from pursuing civil legal action to recover
21 administrative fines, fees, or costs or damages against the



1 person. Any civil legal action to recover administrative fines,
2 fees, or costs or damages for a violation of this chapter or any
3 rule adopted thereunder shall not preclude the State from
4 pursuing any appropriate criminal action against that person.
5 Unless otherwise provided, all fines, fees, costs, and damages
6 recovered by the department of agriculture pursuant to this
7 section shall be deposited in the animal industry special fund
8 established under section 142-3.6.

9 §142-B Habitual agricultural crime. (a) A person commits
10 the offense of habitual agricultural crime if the person is a
11 habitual agricultural crime perpetrator and commits a criminal
12 offense under this chapter.

13 (b) For the purposes of this section, "habitual
14 agricultural crime perpetrator" means a person who, within five
15 years of the instant offense, has any combination of three or
16 more prior convictions for criminal offenses under this chapter
17 or one or more prior convictions under this section. The
18 convictions shall be for separate incidents on separate dates.
19 The prosecution shall not be required to prove any state of mind
20 with respect to the person's status as a habitual agricultural
21 crime perpetrator. Proof that the person has the requisite



1 minimum prior convictions shall be sufficient to establish this
2 element.

3 (c) Habitual agricultural crime shall be a class C
4 felony."

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

8 "§142-C Definitions. As used in this part:

9 "Brand" means a design registered with the department of
10 agriculture that is permanently impressed on the skin of an
11 animal by freezing or a hot iron.

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

14 §142-D Livestock inspectors and veterinary medical
15 officers; establishment; duties. (a) There shall be
16 established within the department of agriculture an additional
17 five livestock inspectors and one veterinary medical officer
18 supervisor, whose duty shall be to carry out enforcement of this
19 part and other rules adopted under this chapter, as authorized
20 under this chapter and directed by the chairperson of the board
21 of agriculture. The chairperson of the board of agriculture may



1 locate and staff the livestock inspectors and veterinary medical
2 officer as needed to fulfill their duties.

3 (b) Livestock inspectors shall be provided with suitable
4 badges or insignia of office by the department of agriculture
5 and shall have the power to:

6 (1) Initiate civil or administrative investigations;

7 (2) Institute, serve, and execute warrants;

8 (3) Issue citations;

9 (4) Seize contraband or other related articles;

10 (5) Educate; and

11 (6) Use any other means of enforcement authorized under
12 this chapter,

13 to enforce this part and related rules adopted under this
14 chapter.

15 (c) Whenever a livestock inspector deems it necessary to
16 enter private property, including any land, building, vehicle,
17 vessel, or aircraft, for the purposes of enforcing this part,
18 the livestock inspector may apply to the district court in which
19 the property is located for a warrant to enter the property.

20 The district court may issue a warrant authorizing the livestock
21 inspector to enter the property and seize, capture, confiscate,



1 or remove any animals, equipment, records, or other articles
2 used or intended for use in the commission or attempt to commit
3 a violation of this part or related rules adopted under this
4 chapter.

5 **§142-E Inspection before slaughter.** No person shall allow
6 livestock to enter a livestock harvesting establishment that
7 slaughters or processes livestock meat and meat products unless
8 the establishment's management has conducted a prior examination
9 and inspection to verify the brand on animals match the
10 ownership of the consignee, collects a copy of and confirms the
11 brand with the ownership of the livestock ownership and movement
12 certificate pursuant to section 142-49. The establishment's
13 management may seek assistance from a livestock inspector if
14 ownership determination via brand inspection is in question, or
15 violation or theft is suspected. Livestock ownership and
16 movement certificates that correlate with all livestock
17 harvested at the plant shall be submitted by the establishment's
18 management to a livestock inspector weekly.

19 **§142-F Brand inspection special fund.** (a) There shall be
20 established in the state treasury the brand inspection special



1 fund. The special fund shall be administered by the department
2 of agriculture and shall include:

3 (1) Fees, including brand registration fees, fines, and
4 penalties received pursuant to this part;

5 (2) Interest earned or accrued on moneys in the special
6 fund;

7 (3) All moneys received and deposited into the special
8 fund pursuant to section 142-41;

9 (4) Any moneys appropriated by the legislature to the
10 special fund; and

11 (5) Grants, donations, and contributions from private or
12 public sources for the purposes of the special fund.

13 (b) Moneys deposited into the special fund shall be
14 expended by the department of agriculture for the implementation
15 and administration of the livestock inspectors and veterinary
16 medical officers under section 142-D."

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

19 "**§142-2 Rules.** Subject to chapter 91, the department of
20 agriculture may make and amend rules for the inspection,
21 quarantine, disinfection, or destruction, either upon



1 introduction into the State or at any time or place within the
2 State, of animals and the premises and effects used in
3 connection with the animals. Included therein may be rules
4 governing the control and eradication of transmissible diseases
5 of animals [~~and~~], the transportation of animals between the
6 different islands of the State and along the highways thereof,
7 and the registration and inspection of brands or marks, as those
8 terms are defined in section 142-C, on livestock, as well as
9 rules requiring the owner or captain of any vessel or aircraft
10 arriving in the State with animals aboard and the managers or
11 agents of trucking and air and water transportation companies
12 carrying animals within the State to report on the number and
13 class of animals carried, names of owners and consignees, the
14 places to and from which the animals are shipped, the manner of
15 handling the animals, the number of deaths or injuries to
16 animals occurring in transit or while being loaded or unloaded,
17 together with the causes of the deaths or injuries, and all
18 other matters [~~which~~] that may be deemed necessary by the
19 department for a full and complete record of the shipping and
20 handling of animals. The department may also prohibit the
21 importation into the State from any foreign country or other



1 parts of the United States or the movement from one island
2 within the State to another island therein or to one locality
3 from another locality on the same island, of animals known to be
4 or suspected of being infected with a contagious, infectious, or
5 communicable disease or known to have been exposed to any of
6 those diseases."

7 SECTION 7. Section 142-3, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§142-3 Department[-]; general duties[-] and powers. (a)

10 The department of agriculture shall have charge, direction, and
11 control of all matters relating to the inspection of animals,
12 including brand inspection, and the prevention and eradication
13 of contagious, infectious, and communicable diseases among
14 animals and of all matters relating to the animal industry
15 within this chapter.

16 (b) In the performance of its administrative duties under
17 this chapter, the department of agriculture may:

18 (1) Conduct investigations, collect data, and require
19 reports from owners of animals, including livestock
20 animals, as may be necessary to conduct inspections or
21 facilitate its decisions;



- 1 (2) Enter upon private property, including agricultural
2 lands, as may be necessary in making any investigation
3 or inspection required or authorized by this chapter;
4 provided that the entry shall not constitute a cause
5 of action in favor of the owner of the land, except
6 for damages resulting from wilful acts or negligence
7 by the department or its employees acting in the
8 course of their official duties;
- 9 (3) Establish and assess fees pursuant to chapter 91 to
10 cover a portion of the department's costs in carrying
11 out the implementation and administration of any
12 programs established or authorized under this chapter;
- 13 (4) Recover expenses incurred in taking any action
14 required by the owner of the animals, including
15 livestock, in the same manner that debts are
16 recoverable by law;
- 17 (5) Assess and collect administrative penalties for
18 violation of this chapter, any rule adopted
19 thereunder, or order issued by the department or board
20 of agriculture pursuant to this chapter;



- 1 (6) Place liens, as needed, on the owner's property, to be
2 collected as delinquent taxes against lands and
3 property, if the owner neglects to pay any costs,
4 expenses, or penalties chargeable to the owner under
5 this chapter, or any rule, order, or condition
6 adopted, issued, or required under this chapter;
- 7 (7) With the assistance of the attorney general, institute
8 and pursue all court actions that may be necessary to
9 obtain the enforcement of any order issued by the
10 department or board of agriculture in carrying out
11 this chapter;
- 12 (8) Cooperate, advise, consult, contract, or enter into
13 cooperative agreements with the United States
14 government, or any of its agencies, other state
15 agencies, or the county governments, or any of its
16 agencies; and
- 17 (9) Take any and all other actions as may be necessary to
18 carry out this chapter."

19 SECTION 8. Section 142-3.6, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§142-3.6 Animal industry special fund.** There [~~is~~] shall
2 be established the animal industry special fund to be
3 administered by the board of agriculture. Moneys received by
4 the board of agriculture from:

5 (1) The use or rental of the division of animal industry's
6 properties or facilities, including the animal
7 quarantine property or facilities pursuant to section
8 142-3.5;

9 (2) Revenue from fees for diagnostic, surveillance, and
10 other work by the animal industry division veterinary
11 laboratory and animal disease control branch; [~~and~~]

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

14 [~~(3)~~] (4) Appropriations or other moneys made available,
15 shall be deposited into the special fund. All interest earned
16 or accrued on moneys deposited in the special fund shall become
17 part of the special fund. Moneys in the special fund shall be
18 expended to cover costs of the division of animal industry,
19 including the costs of salaries, fringe benefits, operating
20 expenses, equipment, motor vehicles, contract with any qualified
21 person or entity for livestock handling services, improvements



1 to laboratory capabilities and operations, and operating and
2 maintenance of the animal industry facilities; provided that
3 moneys in the special fund may be used to fund the department's
4 resource management and planning programs. A reserve shall be
5 maintained in the special fund to cover contingency costs,
6 including accrued vacation leave, unemployment insurance, and
7 workers' compensation."

8 SECTION 9. Section 142-4, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§142-4 Entry of animals without inspection prohibited.**

11 (a) No animal shall be allowed to enter the State except after
12 inspection by the department of agriculture and the issuance of
13 a permit by the department to the consignee or owner; provided
14 that no fees for inspection shall be charged, nor delays caused,
15 concerning the landing of any domestic animal for which a
16 certificate of health has been issued as prescribed by the
17 Federal Cattle Contagious Disease Act. Every carrier, owner, or
18 handler bringing animals into the State shall be required to
19 present these animals to the department of agriculture for
20 inspection.



1 (b) Any person who fails to present an animal pursuant to
2 subsection (a) shall be assessed an administrative penalty of no
3 more than \$1,000 for each violation. Each animal that enters
4 the State without inspection shall constitute a separate
5 violation."

6 SECTION 10. Section 142-8, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "**§142-8 Notification of arrival.** (a) The captain of any
9 vessel or aircraft transporting any live animal to any port in
10 [~~this~~] the State shall immediately upon arrival in the State
11 notify the department of agriculture. No animal so transported,
12 nor any portion of the food or water nor any effects connected
13 therewith or provided for the animal's use during transit, shall
14 be removed from the wharf or airport until the department of
15 agriculture has inspected and passed the same. The
16 department[7] of agriculture, at the owner's or shipper's
17 expense, may require that the animal be moved to a more suitable
18 location for inspection.

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



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

3 "~~§142-12~~ **Penalties.** (a) Any person violating any
4 provision of this chapter or any rule adopted pursuant [~~thereto,~~
5 ~~for which action a penalty is not otherwise provided,~~ is guilty
6 ~~of a misdemeanor and, upon conviction thereof,~~ to this chapter
7 that is designated as a petty misdemeanor shall be [~~punished~~
8 sentenced as follows:

9 (1) For the first [~~conviction, by~~ offense, or any offense
10 not preceded within a five-year period by an offense
11 under the same section, a fine of [~~not more~~ no less
12 than [\$1,000] \$250 or [~~by~~] imprisonment of [~~not more~~
13 ~~than one year,~~] thirty days or less, but no less than
14 three consecutive days, or both[-];

15 (2) For [~~a second conviction within one year~~] an offense
16 that occurs within five years of a previous
17 conviction[- by] for an offense under the same
18 section, a fine of [~~not~~] no less than \$500 [~~nor more~~
19 ~~than \$1,000~~] or [~~by~~] imprisonment of [~~not more than~~
20 ~~one year,~~] thirty days or less, but no less than ten
21 days, or both[-]; and



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

6 (b) Any person [~~, carrier, or handler who has been~~
7 ~~convicted of a violation~~] violating any provision of this
8 chapter [~~more than three times within a five-year period or~~
9 ~~whose violation poses a grave or serious health threat to the~~
10 ~~State's citizens, animal industry, wildlife, or domestic~~
11 ~~animals, shall be guilty of a class C felony and upon~~
12 ~~conviction~~] or any rule adopted pursuant to this chapter that is
13 designated as a misdemeanor shall be [~~punished~~] sentenced as
14 follows:

15 (1) For the first [~~conviction, by~~] offense, or any offense
16 not preceded within a five-year period by an offense
17 under the same section, a fine of [~~not more~~] no less
18 than [~~\$5,000~~] \$500 or [~~by~~] imprisonment of [~~not more~~
19 ~~than five years,~~] one year or less, but no less than
20 five consecutive days, or both[-];



- 1 (2) For [~~a second conviction~~] an offense that occurs
2 within five years of a previous conviction[~~, by~~] for
3 an offense under the same section, a fine of [~~not~~] no
4 less than [~~\$3,000 nor more than \$5,000 or by~~] \$1,000
5 or imprisonment of [not more than five years,] one
6 year or less, but no less than thirty days, or
7 both[~~;~~]; and
- 8 (3) For [~~a third or subsequent conviction~~] an offense that
9 occurs within five years of [~~the first conviction, by~~]
10 two or more previous convictions for offenses under
11 the same section, a fine of [~~not less than \$5,000 or~~
12 ~~by~~] \$2,000 or imprisonment of [not more than five
13 years,] one year, or both.
- 14 (c) [~~In addition to the penalties in subsection (a) or (b)~~
15 ~~and for the first conviction, the department of agriculture may~~
16 ~~impound, seize, confiscate, destroy, quarantine, sell, auction,~~
17 ~~or dispose of any animal, animal product, container, crate, or~~
18 ~~any other item under the jurisdiction of this chapter in the~~
19 ~~best interest of the State.] Any provision of this chapter or
20 any rule adopted pursuant to this chapter that is not~~



1 specifically designated as a petty misdemeanor, misdemeanor, or
2 felony, shall be enforced via civil or administrative means.

3 (d) [~~Persons found to be in possession of any animal,~~
4 ~~fodder, fittings, or effects contrary to this chapter shall be~~
5 ~~found guilty and upon conviction shall be punished in accordance~~
6 ~~with this section.] Any property used or intended for use in the
7 commission of, attempt to commit, or conspiracy to commit a
8 violation of this chapter, or that facilitated or assisted the
9 activity, and any proceeds or other property acquired or
10 maintained with the proceeds from violation of this chapter may
11 be ordered forfeited to the State, subject to the requirements
12 of chapter 712A."~~

13 SECTION 12. Section 142-18, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§142-18 Disposal of tuberculous animals.** (a) The owner
16 of all cattle reacting to the tuberculin test shall, subject to
17 section 142-16, cause them to be segregated immediately and,
18 within a reasonable time thereafter, to be delivered for
19 slaughter at [~~such~~] a time and place as may be designated by the
20 department of agriculture. The slaughter shall be under the
21 direct supervision of the department of agriculture and in



1 accordance with the meat inspection regulations of the United
2 States Department of Agriculture.

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

5 SECTION 13. Section 142-20, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§142-20 Premises from which tuberculous cattle removed to**
8 **be disinfected.** (a) Any premises [~~upon which have been kept~~]
9 where animals affected with tuberculosis have been kept shall be
10 disinfected promptly after the removal of the animals [~~and~~], in
11 a manner satisfactory to the department of agriculture and at
12 the expense of the owner.

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

14 SECTION 14. Section 142-23.5, Hawaii Revised Statutes, is
15 amended by amending subsection (b) to read as follows:

16 "(b) Any person who violates [~~the provisions of~~]
17 subsection (a) [~~of this section~~] shall be [~~fined not more than~~
18 ~~\$1,000 or imprisoned not more than one year, or both.~~] guilty of
19 a misdemeanor."

20 SECTION 15. Section 142-41, Hawaii Revised Statutes, is
21 amended to read as follows:



1 "§142-41 Brands or marks to be registered and recorded~~[7~~
2 ~~ete.]~~; penalties. (a) Every owner of livestock in the State
3 shall have the owner's brand or mark, in order to secure its
4 validity and individuality, recorded in a separate book kept for
5 that purpose by the department of agriculture to be known as the
6 "Hawaii Brand Book". No brand or mark shall be recorded ~~[which]~~
7 that may be similar or approximate in design to any brand or
8 mark ~~[which]~~ that has been previously recorded. No record shall
9 be made of any earmark, except only as supplemental
10 identification of a brand. Numerals from 1 to 9 and 0, not used
11 in combination or with symbols, as a brand, shall not be subject
12 to preemptive use but shall be the common property of all
13 persons.

14 (b) The department of agriculture shall establish, by rule
15 adopted pursuant to chapter 91, a fee for each application ~~[for~~
16 ~~registration shall be established by rule adopted pursuant to~~
17 ~~chapter 91.]~~ to register a brand or mark. The application may
18 be made directly to the department~~[7]~~ of agriculture, through
19 its duly authorized agents, or through any duly authorized
20 police officer. The chief of police of the respective counties
21 shall authorize police officers to receive applications for



1 registration of brands under this section. All moneys [~~se~~]
2 received under this section shall be [~~paid to the director of~~
3 ~~finance.~~] deposited with the director of finance who shall
4 deposit the moneys into the brand inspection special fund
5 pursuant to section 142-F. A signed and dated receipt shall be
6 issued for each paid application. All applications shall be
7 promptly forwarded to the department[~~-~~] of agriculture.

8 (c) If it is determined that the application seeks the
9 registration of a brand [~~which~~] that either has not already been
10 recorded by another person or is not similar in design to any
11 other previously recorded brand [~~which~~] that has not expired,
12 then a certificate showing that [~~such~~] the brand or mark has
13 been duly recorded shall be issued forthwith to the applicant.
14 [~~No record shall be made of any carmark, except only as~~
15 ~~supplemental identification of a brand. Numerals from 1 to 9~~
16 ~~and 0, not used in combination or with symbols, as a brand,~~
17 ~~shall not be subject to preemptive use but shall be the common~~
18 ~~property of all persons.]~~

19 (d) It shall be unlawful for any person to use any brand
20 that has not been duly registered pursuant to this section and
21 any rule adopted thereunder. Any person who violates this



1 subsection shall be fined no more than \$200. Each instance a
2 brand is used in violation of this subsection shall constitute a
3 separate violation."

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

6 "~~§142-47~~ **[Obliterating] Altering, removing, or**
7 **obliterating brand[?] or mark; penalty.** Any person who alters,
8 removes, or obliterates any brand or mark, on any animal, by
9 placing another brand or mark over the same, or otherwise,
10 ~~[although without felonious intent,]~~ shall be fined ~~[not]~~ no
11 more than ~~[\$200]~~ \$500 for every brand or mark so obliterated."

12 SECTION 17. Section 142-48, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~§142-48~~ **[Felonious] Prohibited branding[?] or marking;**
15 **penalty.** ~~[Whoever wilfully and feloniously brands, or otherwise~~
16 ~~marks,]~~ Any person who intentionally or knowingly places their
17 own brand or mark on any kine, horse, mule, sheep, goat, or
18 other cattle belonging to another~~[, with one's mark,]~~ or ~~[with]~~
19 places the brand or mark of ~~[another not]~~ anyone other than the
20 animal's owner ~~[of the animal so branded or marked],~~ with the
21 intent to convert it to one's own use~~[,]~~ or to the use of



1 another, shall be [~~imprisoned not more than one year, or fined~~
2 ~~not more~~] guilty of a class C felony and, in addition to any
3 other penalties imposed by the court, be fined no less than
4 [~~\$200~~] \$1,000 for each kine, horse, mule, sheep, goat, or other
5 cattle thus branded or marked."

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

8 "**§142-49 Livestock ownership and movement**
9 **certification[-]; penalty.** (a) Every owner, upon sale or
10 transportation of livestock, including cattle, horses, sheep,
11 goats, pigs, bison, or llamas, shall complete a certificate
12 describing the animal or animals including sex, breed, age, and
13 brand and indicating the seller or owner, buyer or consignee,
14 and origin and destination. Two copies of the certificate shall
15 accompany the shipment, one copy shall be given or
16 electronically transmitted to the department of agriculture, and
17 [a] one copy shall be retained by the owner. One of the copies
18 of the certificate shall be presented upon request to a law
19 enforcement officer or other officer or employee as described in
20 section 142-29.



1 (b) Any person who violates this section upon the sale of
2 livestock, transport of livestock to slaughter, or transport of
3 livestock interisland or interstate shall be assessed an
4 administrative penalty of up to \$500 per animal moved without a
5 certificate."

6 SECTION 19. Section 142-61, Hawaii Revised Statutes, is
7 amended by amending subsection (i) to read as follows:

8 "(i) Any person who constructs or maintains an
9 electrically charged fence or fence with electrically charged
10 attachments not conforming to the requirements of this section
11 shall be [~~fined no more than \$500, or imprisoned no more than~~
12 ~~one year, or both.~~] guilty of a misdemeanor."

13 SECTION 20. Section 142-62, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§142-62 Breaking, etc., of fence; penalty.** If any person
16 maliciously and designedly opens a gateway, or breaks a fence,
17 so as to allow any animal ingress or egress, so that it may
18 commit a trespass, or maliciously and designedly drives or leads
19 any animal into another locality where it may commit a trespass,
20 the person shall, for every offense, be [~~fined not more than~~



1 ~~\$100, or imprisoned not more than one year.]~~ guilty of a
2 misdemeanor."

3 SECTION 21. Section 142-68, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§142-68 Fine for continued trespassing by animals.** [~~In~~
6 ease] If cattle, horses, mules, asses, sheep, swine, or goats
7 trespass on any land, the owner of the animals, if known, shall
8 be notified by the owner or occupier of the land trespassed
9 upon, and if the owner of the animals does not remove [~~them~~] the
10 animals within [~~twenty-four~~]:

11 (1) Twenty-four hours, if the animals are trespassing on a
12 homesite, garden, or truck farm[~~7~~]; or [~~within forty-~~
13 eight]

14 (2) Forty-eight hours, if the animals are trespassing on
15 any other type of land,

16 the owner of the animals shall be [~~subject to penalties as~~
17 ~~provided in section 142-12.~~] guilty of a misdemeanor."

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

20 "**§142-72 Procedure, if owner believes impounding illegal.**

21 If the owner of any animal taken up for trespass has reason to



1 believe that the taking up or impounding of the animal was
2 illegal, or if the owner regards the claim for damages or
3 expenses as excessive, the owner may have the owner's animal
4 returned to the owner upon the ~~[owner's]~~ owner delivering to the
5 landowner or to the pound keeper ~~[, if the animal has been~~
6 ~~impounded,~~] a certificate from any district judge of the
7 circuit ~~[,]~~ in which the animal was impounded, stating that the
8 owner has deposited with the judge the amount claimed by the
9 landowner, together with the pound fees, if any, or a good and
10 sufficient bond for the same and the costs of an action before
11 the judge."

12 SECTION 23. Section 142-91, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "**§142-91 Destruction of animals ferae naturae~~[-]~~; penalty.**

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

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



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

3 SECTION 24. Section 142-93, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§142-93 Harboring mongoose; penalty.** Any person
6 harboring, feeding, or in any way caring for a mongoose, except
7 upon and according to the terms of a written permit [~~which~~] that
8 may be granted [~~therefor~~] by the department of agriculture, in
9 its discretion, to scientists, scientific institutions,
10 associations, or colleges, or to officers, boards, or
11 commissions of the State or any county, shall be [~~penalized~~
12 ~~pursuant to section 142-12.~~] guilty of a misdemeanor."

13 SECTION 25. Section 142-95, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "**§142-95 Rabbits, Belgian hares, to be kept off ground;**
16 **penalty.** (a) Any person who breeds, raises, or keeps rabbits
17 or Belgian hares shall keep them off the ground.

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



1 SECTION 26. Section 706-660, Hawaii Revised Statutes, is
2 amended by amending subsection (2) to read as follows:

3 "(2) A person who has been convicted under section 142-B
4 or of a class B or class C felony for any offense under part IV
5 of chapter 712 may be sentenced to an indeterminate term of
6 imprisonment; provided that this subsection shall not apply to
7 sentences imposed under sections 706-606.5, 706-660.1, 712-
8 1240.5, 712-1240.8 as that section was in effect prior to July
9 1, 2016, 712-1242, 712-1245, 712-1249.5, 712-1249.6, 712-1249.7,
10 and 712-1257.

11 When ordering a sentence under this subsection, the court
12 shall impose a term of imprisonment, which shall be as follows:

13 (a) For a class B felony--ten years or less, but [~~not~~] no
14 less than five years; and

15 (b) For a class C felony--five years or less, but [~~not~~] no
16 less than one year.

17 The minimum length of imprisonment shall be determined by the
18 Hawaii paroling authority in accordance with section 706-669."

19 PART IV

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



1 "**§145-5 Reports of consignment sales.** Every commission
2 merchant shall make a written report to the producer for farm
3 produce handled on consignment [~~in~~] on behalf of said producer
4 [~~which shall be~~], within [~~such~~] the time and [~~in such detail~~]
5 manner as may be prescribed by the department. Making a false
6 or incorrect report shall constitute a misdemeanor under section
7 145-12."

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

10 "**§145-12 [~~Misdemeanor-~~] Criminal penalties.** [~~Any~~] Unless
11 otherwise provided, any person who violates this chapter shall
12 be [~~finned not more than \$1,000 or imprisoned not more than one~~
13 year, or both.] guilty of a misdemeanor."

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

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

17 "(a) Every person, upon sale of any agricultural commodity
18 or upon transportation of lots of any agricultural commodity [~~of~~
19 ~~more than two hundred pounds or with a value of at least \$100~~
20 ~~that is marketed for commercial purposes]~~, shall complete and
21 retain a certificate describing the commodity, the amount of the



1 commodity, and value of the commodity[~~and~~]. The certificate
2 shall include:

3 (1) The seller's name, residence address, and telephone
4 number, and license plate number of any vehicle used
5 by the seller to deliver the commodity to the place of
6 purchase;

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

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

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

12 2. By amending subsection (e) to read:

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

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

20 "[~~§~~]**\$145-24[~~]~~ Authorization to inspect.** (a) Every law
21 enforcement officer or other officer or employee [~~as described~~



1 ~~in section 145-25]~~ having [~~probable cause]~~ reason to believe
2 based upon specific and articulable facts that the possession,
3 sale, or transportation of agricultural commodities is unlawful,
4 may take reasonable steps to detain the person having
5 possession, selling, or transporting the agricultural
6 commodities and request from the person being detained proof of
7 ownership of the commodities.

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

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

12 **"§145-25 Enforcement; criminal penalties.** [~~Violations]~~ In
13 addition to any civil or administrative penalties or remedies,
14 violations of this part or any rule adopted pursuant thereto
15 shall be criminal offenses and shall be sentenced as follows:

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

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



1 SECTION 32. Section 145-23, Hawaii Revised Statutes, is
2 repealed.

3 [~~"§145-23 Lack of proof of ownership as a violation. The~~
4 ~~failure of any person who sells, transports, or possesses after~~
5 ~~sale or transport, agricultural commodities to maintain a~~
6 ~~certificate of ownership or other written proof of ownership of~~
7 ~~the agricultural commodity, as described in section 145-22, is a~~
8 ~~violation of this part and also prima facie evidence of an~~
9 ~~offense under section 708-831(1)(c)."~~]

10 PART V

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

13 "**§146-22 Reports.** Every person who slaughters a calf,
14 heifer, cow, steer, or bull, whether wild or domesticated, at
15 any place other than a duly licensed slaughterhouse shall comply
16 with section 146-21 and~~[, in addition thereto, shall forthwith]~~
17 report ~~[such]~~ the slaughtering to the officer in charge of
18 recording brands. ~~[Such]~~ The report shall include a description
19 of the animal slaughtered, including its sex and a full
20 description of each and every brand on the animal, the date and
21 place of slaughter, and the name of the person from whom, and



1 date when, the animal was acquired. If any of the described
2 brands on the animal appear to be altered, removed, or
3 obliterated, as described in section 142-47, or to be
4 [~~felonious~~] prohibited, as described in section 142-48, the
5 person discovering the altered, removed, obliterated, or
6 prohibited brand shall make a report of the altered, removed,
7 obliterated, or [~~felonious~~] prohibited brand to any livestock
8 inspector, as provided by law, and the appropriate law
9 enforcement agency [~~pursuant to rules adopted by the department~~
10 of agriculture]."

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

13 "**§159-15 Bonding.** Upon a person being granted a license
14 to slaughter animals for the purpose of using the meat or meat
15 products thereof in intrastate commerce, the board shall exact
16 from the licensee a bond, or other form of surety acceptable to
17 the board or an appropriate agent, officer, or employee
18 designated by the board, in the penal sum of \$5,000, the bond or
19 other form of surety to be obtained from a surety company or
20 financial institution authorized to do business in the State and
21 to be so conditioned that the licensee shall be required to keep



1 a full and accurate record concerning every animal [~~which~~] that
2 the licensee may purchase, kill, or sell; and that the licensee
3 will at all times during regular business hours keep the record
4 open for the inspection by representatives of the board who may
5 desire to examine the same. The record shall contain:

6 (1) The sex of the animal[~~-~~];

7 (2) A full description of each and every brand on the
8 animal, stating the position of each brand on the
9 animal. If any of the described brands on the animal
10 appear to be altered, removed, or obliterated, as
11 described in section 142-47, or to be [~~felonious,~~]
12 prohibited, as described in section 142-48, the person
13 shall make a report of the altered, removed, or
14 obliterated or [~~felonious~~] prohibited brand to the
15 appropriate law enforcement agency pursuant to rules
16 adopted by the department of agriculture[~~-~~];

17 (3) Ear tag number or other mark of identification[~~-~~];

18 (4) The principal color of the animal[~~-~~];

19 (5) The name of the person who sold the animal to the
20 licensee[~~-~~];

21 (6) The date when the animal was sold to the licensee[~~-~~];



1 (7) The date when the animal was delivered to the
2 licensee[-]; and

3 (8) The date when the animal was killed."

4 PART VI

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

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

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

15 **"§183D-5 Penalties.** (a) Any person violating section
16 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
17 this chapter shall be guilty of a petty misdemeanor, and upon
18 conviction thereof, shall be punished as follows:

19 (1) For a first conviction, by a mandatory fine of [~~not~~]
20 no less than \$100, or imprisonment of [~~not~~] no more
21 than thirty days, or both;



1 (2) For a second conviction within five years of a
2 previous conviction, by a mandatory fine of [~~not~~] no
3 less than \$500, or [~~by~~] imprisonment of [~~not~~] no more
4 than thirty days, or both, and all firearms used in
5 the commission of the violations shall be considered
6 contraband to be forfeited to and disposed of by the
7 State; and

8 (3) For a third or subsequent conviction within five years
9 of the first two or more convictions, by a mandatory
10 fine of [~~not~~] no less than \$1,000, or [~~by~~]
11 imprisonment of [~~not~~] no more than thirty days, or
12 both, and all firearms used in the commission of the
13 violations shall be considered contraband to be
14 forfeited to and disposed of by the State.

15 (b) Any person violating section [~~183D-66,~~] 183D-25.5,
16 183D-26, 183D-27, 183D-32, 183D-62, [~~or~~] 183D-64, or 183D-66
17 shall be guilty of a misdemeanor, and upon conviction thereof,
18 shall be punished as follows:

19 (1) For a first conviction, by a mandatory fine of [~~not~~]
20 no less than \$200, or [~~by~~] imprisonment of [~~not~~] no
21 more than one year, or both, and all animal parts,



1 products, or items containing prohibited animal parts
2 or products involved in the commission of the
3 violations shall be considered contraband to be
4 forfeited to and disposed of by the State;

5 (2) For a second conviction within five years of a
6 previous conviction, by a mandatory fine of [~~not~~] no
7 less than \$1,000, or [~~by~~] imprisonment of [~~not~~] no
8 more than one year, or both, and all firearms, animal
9 parts, products, or items containing prohibited animal
10 parts or products used in the commission of the
11 violations shall be considered contraband to be
12 forfeited to and disposed of by the State; and

13 (3) For a third or subsequent conviction within five years
14 of the first two or more convictions, by a mandatory
15 fine of [~~not~~] no less than \$2,000, or [~~by~~]
16 imprisonment of [~~not~~] no more than one year, or both,
17 and all firearms, animal parts, products, or items
18 containing prohibited animal parts or products used in
19 the commission of the violations shall be considered
20 contraband to be forfeited to and disposed of by the
21 State[-];



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

4 (c) Any person who violates section 183D-52 shall be
5 guilty of a misdemeanor, and upon conviction thereof, shall be
6 punished as follows:

7 (1) For a first conviction, by a mandatory fine of [~~not~~
8 no less than \$10,000 and payment of any costs incurred
9 in the eradication of any deer and the deer's progeny
10 that has been possessed, transferred, transported, or
11 released after transport, or [~~by~~] imprisonment of
12 [~~not~~] no more than one year, or both;

13 (2) For a second conviction within five years of a
14 previous conviction, by a mandatory fine of [~~not~~] no
15 less than \$15,000 and payment of any costs incurred in
16 the eradication of any deer and the deer's progeny
17 that has been possessed, transferred, transported, or
18 released after transport, or [~~by~~] imprisonment of
19 [~~not~~] no more than one year, or both; and

20 (3) For a third or subsequent conviction within five years
21 of the first two or more convictions, by a mandatory



1 fine of [~~not~~] no less than \$25,000 and payment of any
2 costs incurred in the eradication of any deer and the
3 deer's progeny that has been possessed, transferred,
4 transported, or released after transport, or [~~by~~]
5 imprisonment of [~~not~~] no more than one year, or both.

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:

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

13 (A) Imprisonment of five years or less, but no less
14 than one hundred eighty days; or

15 (B) A term of probation of four years with conditions
16 to include but not be limited to no less than one
17 hundred eighty days of imprisonment; or

18 (2) For an offense that occurs within ten years of a
19 previous conviction for an offense under the same
20 section, imprisonment of five years or less, but no
21 less than one year;



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

9 ~~[(d)]~~ (e) Any person who violates section 183D-35,
10 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
11 guilty of a petty misdemeanor, and upon conviction thereof,
12 shall be fined ~~[not]~~ no less than \$100 or imprisoned ~~[not]~~ no
13 more than thirty days, or both.

14 ~~[(e)]~~ (f) In addition to any other penalty imposed under
15 this section, a mandatory fine of \$100 shall be levied for each
16 bird illegally taken under this chapter and a mandatory fine of
17 \$500 shall be levied for each mammal illegally taken under this
18 chapter.

19 ~~[(f)]~~ (g) Any person who is convicted of violating any of
20 the game laws of the State shall immediately have the person's
21 hunting license forfeited and any person convicted for a second



1 offense shall not be granted a license to hunt for a period of
2 three years after the date of the second conviction.

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

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

16 SECTION 37. Section 183D-26, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§183D-26 Hunting on private lands prohibited**~~[-];~~ **written**
19 **authorization required.** (a) No person shall enter upon any
20 land or premises belonging to, held, or occupied by another, for
21 the purpose of hunting or to take any kind of wildlife including



1 game without first having obtained permission from the owner or
2 a duly appointed agent, if the owner is the occupier or holder,
3 or if the owner has let another occupy or hold the same, without
4 having first obtained the permission of the occupier or holder
5 thereof, or the duly appointed agent of the occupier or
6 holder[-]; provided that if the land or premises is agricultural
7 land, the permission shall be in writing and signed by the owner
8 or duly appointed agent.

9 (b) No person to whom written permission has been granted
10 to enter upon any agricultural land belonging to, held, or
11 occupied by another for the purpose of hunting or taking any
12 kind of wildlife shall allow any other person to carry, display,
13 or use the written permission in any way. Every person to whom
14 written permission has been granted shall physically possess the
15 written permission when hunting and shall show the written
16 permission upon the demand of any officer authorized to enforce
17 the game laws of the State.

18 (c) For the purposes of this section, the fact that a
19 person is found upon any agricultural land belonging to, held,
20 or occupied by another shall be prima facie evidence that the



1 person knew the person had entered upon agricultural land
2 belonging to, held, or occupied by another.

3 (d) If the offense under this section occurs on
4 agricultural land, any property used or intended for use in the
5 commission of, attempt to commit, or conspiracy to commit the
6 offense, or that facilitated or assisted the activity, and any
7 proceeds or other property acquired or maintained with the
8 proceeds from the offense may be ordered forfeited to the State,
9 subject to the requirements of chapter 712A.

10 [~~b~~] (e) No prosecution shall be brought under this
11 section, except upon the sworn complaint of the owner, occupier,
12 or holder of the land or premises, or a duly appointed agent, or
13 if the owner, occupier, or holder is either a corporation or a
14 partnership, then the complaint shall be sworn to by an officer
15 of the corporation or by one of the members of the partnership."

16 SECTION 38. Section 183D-27, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§183D-27 Night hunting on private lands; prohibition.**

19 (a) Notwithstanding section 183D-26, no person shall take or
20 pursue any game bird, game mammal, wild bird, or wild mammal at
21 night on privately owned lands, except as authorized by the



1 department pursuant to section 183D-61. For the purpose of this
2 section, "night" means the period between one-half hour after
3 sunset and one-half hour before sunrise.

4 (b) For purposes of this section, the fact that the person
5 is found upon any privately owned agricultural land shall be
6 prima facie evidence that the person knew that the person had
7 entered privately owned agricultural land.

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

15 SECTION 39. Section 183D-28, Hawaii Revised Statutes, is
16 amended by amending subsection (a) to read as follows:

17 "(a) The department shall establish a hunter education
18 program to provide instruction in hunter safety, principles of
19 conservation, the duties and prohibitions relating to hunting on
20 agricultural lands, and sportsmanship. Upon successful
21 completion of the program, the department shall issue to the



1 graduate a hunter education certificate [~~which~~] that shall be
2 valid for the life of the person. This certification shall be
3 rescinded by judicial action upon the conviction of a wildlife
4 [~~and/or~~] or firearms violation[~~-~~], or both. No person shall be
5 eligible for a hunting license unless the person possesses a
6 valid hunter education certificate or meets the requirements for
7 exemption provided in subsection (b) (2), and is either:

- 8 (1) Born after December 31, 1971; or
9 (2) Born before January 1, 1972, and has never been issued
10 a hunting license in the State."

11 PART VII

12 SECTION 40. Chapter 708, Hawaii Revised Statutes, is
13 amended by adding a new section to part III to be appropriately
14 designated and to read as follows:

15 "§708- Criminal trespass on agricultural land. (1) A
16 person commits the offense of criminal trespass on agricultural
17 land if the person enters or remains unlawfully on agricultural
18 land without the permission of the owner of the land, the
19 owner's agent who is authorized by the owner to give the
20 permission, or the person in lawful possession of the land, and
21 the agricultural land:



- 1 (a) Is fenced, enclosed, or secured in a manner designed
- 2 to exclude intruders or marked by a structure or
- 3 barrier, including a cattle grid, cattle grate, or
- 4 other obstacle, used to secure livestock;
- 5 (b) Has a sign or signs displayed on unenclosed cultivated
- 6 or uncultivated agricultural lands reading as follows:
- 7 "Agricultural Land - No Trespassing." The sign or
- 8 signs, containing letters no less than two inches in
- 9 height, shall be placed at reasonable intervals no
- 10 less than three signs to a mile along the boundary
- 11 line of the land and at roads and trails entering the
- 12 land in a manner and position as to be clearly
- 13 noticeable from outside the boundary line; or
- 14 (c) At the time of entry, is fallow or has a visible
- 15 presence of livestock-raising, such as cattle, horses,
- 16 water troughs, shelters, or paddocks, or a crop:
- 17 (i) Under cultivation;
- 18 (ii) In the process of being harvested; or
- 19 (iii) That has been harvested.
- 20 (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 a five-year period by an offense under this
9 section:

10 (i) One year or less, but no less than three
11 consecutive days; and

12 (ii) A fine of no 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) One year or less, but no less than thirty days;
16 and

17 (ii) A fine of no 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) One year or less, but no less than ninety days;
2 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,
9 who shall transmit the fines to the agricultural crime
10 prevention special fund established pursuant to section 141-A.

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- and
14 county-owned agricultural land and 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 in section
18 707-700.

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, including the care and
3 production of livestock and livestock products, poultry and
4 poultry products, apiary products, and plant and animal
5 production for nonfood uses; the planting, cultivating,
6 harvesting, and processing of crops; and the farming or ranching
7 of any plant or animal species in a controlled salt, brackish,
8 or freshwater environment."

9 SECTION 41. 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~~[7]~~ 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 42. 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~~
6 shall be a class B felony[-]; provided that any person convicted
7 of violating subsection (1)(d) shall be sentenced to a term of
8 imprisonment of no less than one hundred eighty days, without
9 possibility of suspension of sentence."

10 SECTION 43. 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~~
13 shall be a class C felony[-]; provided that any person convicted
14 of violating subsection (1)(c) shall be sentenced to a term of
15 imprisonment of no less than ninety days, without possibility of
16 suspension of sentence."

17 SECTION 44. 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~~
20 shall be a misdemeanor[-]; provided that any person convicted of
21 violating subsection (1)(c) shall be sentenced to a term of



1 imprisonment of no less than thirty days, without possibility of
2 suspension of sentence."

3 PART VIII

4 SECTION 45. 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 under section
15 708- ."

16 PART IX

17 SECTION 46. There is appropriated out of the general
18 revenues of the State of Hawaii the sum of \$ or so
19 much thereof as may be necessary for fiscal year 2025-2026 and
20 the same sum or so much thereof as may be necessary for fiscal



1 year 2026-2027 to carry out the purposes of this Act and for the
2 hiring of necessary staff, including:

3 (1) full-time equivalent (FTE) grant chief
4 positions, to assist with the awarding of grants
5 pursuant to section 141-B, Hawaii Revised Statutes;

6 (2) full-time equivalent (FTE) supervising
7 livestock inspector positions; and

8 (3) full-time equivalent (FTE) livestock
9 inspector positions for each county.

10 The sums appropriated shall be expended by the department
11 of agriculture for the purposes of this Act.

12 PART X

13 SECTION 47. This Act does not affect rights and duties
14 that matured, penalties that were incurred, and proceedings that
15 were begun before its effective date.

16 SECTION 48. In codifying the new sections added by
17 sections 3, 4, and 5, of this Act, the revisor of statutes shall
18 substitute appropriate section numbers for the letters used in
19 designating the new sections in this Act.

20 SECTION 49. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



1 SECTION 50. This Act shall take effect on July 1, 3000.



Report Title:

DOA; Agricultural Crime; Agricultural Crime Prevention Program; Branding; Inspectors; Penalties; Appropriation

Description:

Establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services for the benefit of the State's agricultural industry. Clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands. Establishes clear distinctions between administrative and criminal penalties. Appropriates funds. Effective 7/1/3000. (HD2)

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

