

JAN 15 2025

A BILL FOR AN ACT

RELATING TO TRESPASS.

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

1 SECTION 1. The legislature finds that agricultural theft
2 and vandalism are on the rise in the State, with some estimates
3 putting the cost at upwards of \$14 million when accounting for
4 the cost of the crime and preventing it. In addition to the
5 financial burden on farmers and ranchers in the State,
6 agricultural theft and vandalism also pose a threat to the
7 safety of farmers and ranchers in the State, as many trespassers
8 on agricultural lands are armed to illegally hunt game on
9 private agricultural land. Confrontations between trespassers
10 and farmers sometimes turn deadly, for example the death of
11 Cranston Pia in 2024, who was shot while protecting his
12 livestock from a trespasser's hunting dogs. The legislature
13 also finds that existing penalties for trespassers on
14 agricultural land are insufficient to deter criminals from
15 trespassing on agricultural land, as many instances of
16 trespassing fail to result in a prosecution, leading to many
17 trespassers being repeat offenders.



1 Accordingly, the purpose of this Act is to:

2 (1) Establish the crime of criminal trespass on
3 agricultural land; and

4 (2) Prohibit persons prosecuted for or convicted of the
5 crime of criminal trespass on agricultural land from
6 owning, possessing, or controlling a firearm or
7 ammunition.

8 SECTION 2. Chapter 708, Hawaii Revised Statutes, is
9 amended by adding a new section to be appropriately designated
10 and to read as follows:

11 "§708- Criminal trespass on agricultural land. (1) A
12 person commits the offense of criminal trespass on agricultural
13 land if that person knowingly enters or remains unlawfully on
14 agricultural land.

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

16 (a) A process server who enters or remains in or upon the
17 land or premises of another, unless the land or
18 premises are secured with a fence and locked gate, for
19 the purpose of making a good faith attempt to perform
20 their legal duties and to serve process upon any of
21 the following:



- 1 (i) An owner or occupant of the land or premises;
- 2 (ii) An agent of the owner or occupant of the land or
- 3 premises; or
- 4 (iii) A lessee of the land or premises; or
- 5 (b) A professional land surveyor, or assistant under the
- 6 direct supervision of the professional land surveyor,
- 7 who enters or remains in or upon the land or premises
- 8 of another for the purpose of performing land
- 9 surveying at the request of the landowner of, or
- 10 person with an interest in, the real property to be
- 11 surveyed.
- 12 (3) Criminal trespass on agricultural land is a petty
- 13 misdemeanor.
- 14 (4) The court shall fine any person convicted of
- 15 committing the offense of criminal trespass on agricultural land
- 16 as follows:
- 17 (a) For a first offense, \$500;
- 18 (b) For a second offense, \$1,500;
- 19 (c) For a third offense, \$2,000; and
- 20 (d) For any subsequent offense, \$2,500.



1 (5) In addition to any other penalties, any person who is
2 convicted of a violation of this section shall be ordered to
3 make restitution to the owner of the agricultural land that was
4 trespassed not less than twice the amount of any property damage
5 caused.

6 (6) Nothing in this section is intended to affect any
7 civil remedies available for a violation of this section.

8 (7) As used in this section:

9 "Agricultural land" means land used for agricultural
10 purposes, including general farming, cane growing, fruit
11 growing, flower growing, grazing, dairying, the production of
12 any form of livestock or poultry, and any other form of
13 agricultural activity, and includes land required for an
14 adequate farm dwelling and other essential farm buildings,
15 roads, and adjacent lands under the control of an owner.

16 "Owner" means the possessor of a fee interest, a tenant,
17 lessee, occupant, person, group, club, partnership, or
18 corporation in control of the land.

19 "Process server" has the same meaning as defined in section
20 708-813."



1 SECTION 3. Section 134-7, Hawaii Revised Statutes, is
2 amended by amending subsection (b) to read as follows:

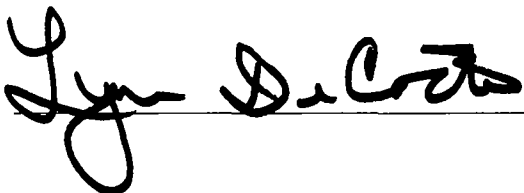
3 "(b) No person who is being prosecuted for one or more
4 charges for a felony, a crime of violence, a criminal offense
5 relating to firearms, criminal trespass on agricultural land
6 under section 708-___, or an illegal sale or distribution of any
7 drug in a court in this State or elsewhere, or who has been
8 convicted in this State or elsewhere of having committed a
9 felony, a crime of violence, a criminal offense relating to
10 firearms, criminal trespass on agricultural land under section
11 708-___, or an illegal sale or distribution of any drug shall
12 own, possess, or control any firearm or ammunition."

13 SECTION 4. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 5. New statutory material is underscored.

17 SECTION 6. This Act shall take effect upon its approval.

18

INTRODUCED BY: 



S.B. NO. 128

Report Title:

Criminal Trespass; Agricultural Land; Penalty; Firearm

Description:

Establishes the crime of criminal trespass on agricultural land. Prohibits persons being prosecuted for or convicted of the crime of criminal trespass on agricultural land from owning, possessing, or controlling a firearm or ammunition.

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