

JOSH GREEN, M.D.
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MIKE LAMBERT
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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 HOUSE BILL 498, HOUSE DRAFT 1
RELATING TO AGRICULTURAL CRIMES
Before the House Committee on
JUDICIARY & HAWAIIAN AFFAIRS
Tuesday, February 11, 2025, 2:00 PM
State Capitol Conference Room 325, & Videoconference
Testifiers: Jared Redulla

Chair Tarnas, Vice Chair Poepoe, and members of the Committee:

The Department of Law Enforcement (DLE) supports the intent of House Bill 498, HD1 which establishes the Hawaii Agricultural Crimes Council and expands the duties of the Department of Agriculture to address agricultural crimes in Hawaii. The DLE is also offering comments on one area of concern in HB498.

While the creation of an Agricultural Crimes Council is one way to address the pressing issue of agricultural crimes that impact our farming communities and food security, for efficiency HB501, HD1 relating to the Department of Law Enforcement, which among other things, proposes to create an agriculture enforcement unit is the proposal that DLE prefers. This would be beneficial because the DLE can leverage its experience in recruitment and training, as well as its existing infrastructure towards building the new agriculture enforcement unit.

The DLE does support the bill's provisions for developing centralized crime reporting systems and databases, which will enhance law enforcement's ability to track patterns,

investigate cases, and allocate resources effectively. Moreover, the proposal to appoint dedicated investigators focusing on agricultural crimes will strengthen their capacity to respond to and prevent agriculture related offenses.

The DLE is concerned with one area of HB 498. On Page 10, lines 13-19, the measure proposes that the agriculture crime investigators proposed in the bill will exercise all the powers of a law enforcement officer but shall not carry firearms. The DLE respectfully recommends that if HB 498 moves forward, that the restriction on the proposed agriculture law enforcement officers not being able to carry a firearm be removed because the agriculture law enforcement officers in HB 498 will have to work in remote areas, late at night, and far from back up. Those officers will also have to enforce all criminal laws, including the agriculture laws, and even felony-level offenses. It can also be anticipated that the types of people that the agriculture law enforcement officers will encounter will include poachers, thieves, and trespassers; all of whom can be dangerous when encountered in remote areas. Law enforcement work under these conditions is dangerous and officers need to be armed to do their jobs effectively. If these officers are not allowed to carry a firearm, then they will have to call officers (e.g., DLE Officers) that do have a firearm to help them when things get “dicey”, and that could lead to delays in enforcing the law. Consequently, the DLE urges legislature to allow the proposed law enforcement officers to carry a firearm if this measure moves forward.

Thank you for the opportunity to offer testimony on this bill.



**TESTIMONY OF
THE DEPARTMENT OF THE ATTORNEY GENERAL
KA 'OIHANA O KA LOIO KUHINA
THIRTY-THIRD LEGISLATURE, 2025**

ON THE FOLLOWING MEASURE:

H.B. NO. 498, H.D. 1, RELATING TO AGRICULTURAL CRIMES.

BEFORE THE:

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, February 11, 2025 **TIME:** 2:00 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie K. Nagata or Christopher J.I. Leong, Deputy Attorneys
General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General provides the following comments.

The purpose of this bill is to establish the Hawaii Agricultural Crimes Council within the Department of Agriculture. The Hawaii Agricultural Crimes Council will be responsible for developing agricultural crime prevention, problem solving, and crime control recommendations and programs.

In the proposed section -4, beginning at page 10, line 13, the bill requires the Hawaii Agricultural Crimes Council to “appoint and commission one or more investigators as required to investigate agricultural crimes.” Page 10, lines 14-15. However, the appointment of investigators to conduct criminal investigations attached to an administrative board, which does not have independent law enforcement authority, is an unusual provision. Accordingly, one option would be to delete section -4 in its entirety.

As an alternative, for clarity and consistency in implementation, we recommend amending section -4 as follows¹:

¹ This wording is largely based on section 199-3, Hawaii Revised Statutes (HRS), and other provisions of chapter 199, HRS (Conservation and Resources Enforcement Program).

§ -4 Agricultural crimes control; investigators; powers; duties. (a)

The council shall appoint and commission one or more investigators as required to investigate agricultural crimes. Persons appointed and commissioned under this section may exercise all the powers and authority of a law enforcement officer [~~or of a deputy sheriff~~]; provided that the persons so appointed and commissioned shall not carry any firearms. In addition to enforcing title 11 and rules adopted thereunder, the investigators may enforce all other state laws and rules, and county ordinances within all lands of the State; provided that such powers shall remain in force and effect only while in the actual performance of their duties, which shall include off-duty employment when such employment is for other state departments or agencies. Investigators appointed under this section shall focus their efforts on agricultural crimes and work with the counties as partners to address and prevent agricultural crime on a state and local basis.

(b) An investigator, upon arresting any person for violation of title 11, any rule adopted thereunder, or any other state law or rule, may immediately take the person arrested to a police station or before a district judge, or take the name, address, and the number of the fishing, hunting, or other licenses or permits, if any, of the person, and note the violation of the law or rule by the person, and issue the person a summons or citation, printed in the form described in section 142-30, warning the person to appear and to answer the charge against the person at a certain place and time within thirty days after the arrest.

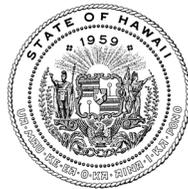
(c) Investigators appointed under subsection (a), shall:

- (1) Enforce title 11, and rules adopted thereunder;
- (2) Investigate complaints, gather evidence, conduct investigations, and conduct field observations and inspections as required or assigned;
- (3) Cooperate with enforcement authorities of the State, counties, and federal government in development of programs and mutual aid agreements for agricultural activities within the State;
- (4) Check and verify all leases, permits, and licenses issued by the department of agriculture; and

(5) Carry out other duties and responsibilities as the agricultural crimes council from time to time may direct.

(d) Every state and county officer charged with the enforcement of laws and ordinances shall assist in the enforcement of title 11 and rules adopted thereunder.

Thank you for the opportunity to provide comments.



JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
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OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
FINANCIAL ADMINISTRATION DIVISION
OFFICE OF FEDERAL AWARDS MANAGEMENT

WRITTEN ONLY
TESTIMONY BY LUIS P. SALAVERIA
DIRECTOR, DEPARTMENT OF BUDGET AND FINANCE
TO THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS
ON
HOUSE BILL NO. 498, H.D. 1

February 11, 2025
2:00 p.m.
Room 325 and Videoconference

RELATING TO AGRICULTURAL CRIMES

The Department of Budget and Finance (B&F) offers comments on this bill.

House Bill (H.B.) No. 498, H.D. 1, adds a new chapter to: 1) establish the Hawai'i Agricultural Crimes Council (HACC) within the Department of Agriculture (DOA) to deal with agricultural crime issues; and 2) authorize the HACC to appoint investigators who may exercise all the powers of a law enforcement officer or deputy sheriff to investigate agricultural crimes. H.B. No. 498, H.D. 1, amends Chapter 141 to require DOA to: 3) collaborate and partner with HACC, law enforcement, stakeholders, and other State and federal agencies to address agricultural crimes; and 4) report to the Legislature and the Governor on efforts with HACC. H.B. No. 498, H.D. 1, also adds a new section to Chapter 353C, HRS, to: 5) establish the Agricultural Enforcement Special Fund (AESF) for HACC expenditures relating to the Agricultural Enforcement Program. Finally, H.B. No. 498, H.D. 1, authorizes an unspecified number of full-time equivalents for executive director, staff assistant, and deputy inspector positions and appropriates an unspecified amount of general funds for FY 26 and FY 27 for the positions' salaries and other operating costs of HACC.

As a matter of general policy, B&F does not support the creation of any special fund which does not meet the requirements of Section 37-52.3, HRS. Special funds should: 1) serve a need as demonstrated by the purpose, scope of work, and an explanation why the program cannot be implemented successfully under the general fund appropriation process; 2) reflect a clear nexus between the benefits sought and charges made upon the users or beneficiaries or a clear link between the program and the sources of revenue; 3) provide an appropriate means of financing for the program or activity; and 4) demonstrate the capacity to be financially self-sustaining. Regarding H.B. No. 498, H.D. 1, it is difficult to determine whether the AESF would be self-sustaining.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TUESDAY, FEBRUARY 11, 2025
2:00 PM
CONFERENCE ROOM 325

HOUSE BILL NO. 498 HD1
RELATING TO THE AGRICULTURAL CRIMES

Chair Tarnas, Vice Chair Poepoe and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill No. 498 HD1 that establishes the Hawaii Agricultural Crimes Council, expands the duties of the Department of Agriculture to collaborate with and support the Council, and establishes the Agricultural Enforcement Special Fund. The Department of Agriculture (Department) supports this bill and offers comments.

The Hawaii Agricultural Crimes Council, established within the Department, will align the work of the council to support the Agricultural Enforcement Program established within Department of Law Enforcement (DLE) to address and resolve the shared challenges of resource limitations and enforcement capabilities, data collection, identification and mitigation of criminality, providing of education and awareness and restoration of public trust in law enforcement to adequately prosecute agricultural crimes.

The Department appreciates that this bill establishes the Agricultural Enforcement Special Fund where moneys will be deposited, lists the uses of the fund and provides positions for the administration of the council. The Department commits to implementing this important measure.

Thank you for the opportunity to testify on this bill.





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February 11, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON HB 498, HD1
RELATING TO AGRICULTURAL CRIMES

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, 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 HB 498, HD1, which establishes the Hawai'i Agricultural Crimes Council and expands the duties of the Department of Agriculture to collaborate with and support the Council.

Agricultural crime is a persistent problem facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation, labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, feed, fiber, fuel, and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft, and vandalism, and it's a wonder farms and ranches remain viable.

Sadly, agricultural crime is a growing trend in Hawai'i. Farmers and ranchers are often victims of those looking for easy targets. Despite our efforts to install cameras, form community ag watch groups, and patrol our farms, these criminals know that being caught and prosecuted is unlikely. Our police departments are trying to help but don't have the staffing and resources to be everywhere at all times.

In recent years, not only crops and livestock have been stolen, but also tractors, trucks, farm equipment, and tools. Too often, a farmer or rancher has sweated, worried, and worked to the bone to produce a crop or raise livestock, only to wake up one morning to find that an opportunistic criminal has helped themselves to the harvest. Farmers and ranchers are fed up with this activity and deserve better. We understand that law enforcement resources are often prioritized for public health and safety. Is a farmer's and his family's health, safety, and livelihood any less important? We think not.

HFB believes a Hawai'i Agricultural Crimes Council would create a formal platform for collaboration between the Department of Agriculture, law enforcement agencies, and agricultural stakeholders. The Council can facilitate the sharing of information, strategies, and resources to improve the prevention, investigation, and prosecution of agricultural crimes.

HB 498, HD1 represents a critical investment in protecting Hawai'i's agricultural community from the increasing threats of agricultural crimes. By creating the Hawai'i Agricultural Crimes Council and expanding the role of the Department of Agriculture, this measure fosters collaboration, strengthens enforcement, and enhances the safety and security of Hawai'i's farmers and ranchers.

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



February 10, 2025

To: Chair David A. Tarnas, Vice Chair Mahina Poepoe, and members of the House Committee on Judiciary and Hawaiian Affairs
Subject: **HB498**, Relating to Agricultural Crimes

Aloha,

I am writing this testimony in **support** of HB498 HD 1, which will create the Agricultural Crimes Council, allow said council to work alongside the Department of Agriculture, and provide it the funding it needs to operate.

The Agricultural Crimes Council will provide many invaluable services to local farmers. These include more security, a greater capacity to reobtain stolen goods, and education on avoiding being victims of agricultural crime. Additionally, it will give legislators and law enforcement agencies more data about these crimes that will enable them to more effectively accomplish their duties.

In order to fulfil its duties, The Agricultural Crimes Council will need to establish the Agricultural Enforcement Special Fund. It is essential that the council has its own unique fund so that there is no need to borrow money from another group. This reduces the likelihood of a conflict of interest.

I also believe this council will play a factor in reducing the shortage of local farmers entering into the market. According to the 2022 census from the US Department of agriculture, the median age for Hawaiian farmers is 60.8, 14% are over 75, and only 6% are younger than 35. This means that the younger generation has extremely little interest in taking up the mantle of current farmers, who are already reaching retirement age. It is reasonable to assume that a part of this problem stems from a lack of security. Why buy expensive equipment or spend months growing food if there is little being done to stop wrongdoers from taking it?

It is for this reason, alongside the others listed previously, that I strongly support the passing of HB 498 HD 1. I thank you for the opportunity to testify on behalf of this bill.

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2025, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.



**HAWAI'I
FOOD+
POLICY**

Honolulu, HI 96813
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Mahalo,
Lea Iaea & the Food+ Policy Team
#fixourfoodsystem

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