

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



State of Hawai'i
DEPARTMENT OF AGRICULTURE
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SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

FRIDAY, MARCH 14, 2025
1:00 PM
CONFERENCE ROOM 224

SENATE CONCURRENT RESOLUTION 91 / SENATE RESOLUTION 74

**URGING THE LEGISLATURE TO ADVANCE LEGISLATION AND SUPPORT
POLICIES THAT SAFEGUARD INDIVIDUALS IN THE AGRICULTURAL COMMUNITY,
THEIR FAMILIES, THEIR LIVESTOCK AND OTHER PROPERTY, AND OTHER
INDIVIDUALS UNDER THEIR EMPLOYMENT OR CARE BY AMENDING THE
STATE'S SELF-DEFENSE LAWS TO DEPRIORITIZE THE DUTY TO RETREAT IN
CERTAIN CIRCUMSTANCES.**

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

Thank you for the opportunity to testify on SCR91 / SR74 that urges the Legislature to advance legislation and support policies that safeguard individuals in the agricultural community, their families, their livestock and other property, and other individuals under their employment or care by amending the state's self-defense laws to deprioritize the duty to retreat in certain circumstances. The Department is in strong support of the resolutions.

Thank you for the opportunity to present our testimony.





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March 14, 2025

HEARING BEFORE THE
SENATE COMMITTEE ON AGRICULTURE AND ENVIRONMENT

TESTIMONY ON SCR 91/SR 74

URGING THE LEGISLATURE TO ADVANCE LEGISLATION AND SUPPORT
POLICIES THAT SAFEGUARD INDIVIDUALS IN THE AGRICULTURAL COMMUNITY,
THEIR FAMILIES, THEIR LIVESTOCK AND OTHER PROPERTY, AND OTHER
INDIVIDUALS UNDER THEIR EMPLOYMENT OR CARE BY AMENDING THE
STATE'S SELF-DEFENSE LAWS TO DEPRIORITIZE THE DUTY TO RETREAT IN
CERTAIN CIRCUMSTANCES

Conference Room 224 & Videoconference
1:00 PM

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

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

The Hawai'i Farm Bureau supports SCR 91/SR 74, which urges the Legislature to advance legislation and support policies that safeguard individuals in the agricultural community, their families, their livestock, and their property by amending the state's self-defense laws to deprioritize the duty to retreat in certain circumstances.

Hawai'i's farmers and ranchers face increasing threats from trespassing, vandalism, theft, and other crimes. Many agricultural operations are located in remote areas where law enforcement response times can be delayed, leaving farmers, ranchers, and their families vulnerable to criminal activity. The tragic death of Cranston Duke Pia in 2024 brought national attention to the risks agricultural workers face when attempting to protect their property, livestock, and loved ones. These resolutions recognizes farmers and ranchers' unique security challenges and seeks to provide them with stronger legal protections.

Agricultural crime is a growing concern across the state, with incidents of trespassing, property damage, and violence becoming more frequent. Farmers and ranchers are often left with limited options for immediate protection, as current laws place the burden on them to retreat rather than allowing them to stand their ground in defense of their property and livelihoods. This resolution calls for a necessary review of self-defense laws to ensure

that individuals lawfully present on agricultural lands have the right to defend themselves without fear of legal repercussions.

While we support the intent of these resolutions, we encourage further discussion to ensure that any changes to self-defense laws provide clear legal definitions and safeguards. It is important to strike a balance between protecting the rights of law-abiding farmers and ranchers while maintaining appropriate standards to prevent unintended consequences.

A thorough review of legal implications, including input from law enforcement and legal experts, will be essential in ensuring that any amendments to self-defense laws are carefully crafted and effectively implemented.

We appreciate the Legislature's recognition of the unique challenges faced by the agricultural community and urge continued discussion on policies that enhance security and protect those who dedicate their lives to farming and ranching in Hawai'i.

Thank you for the opportunity to testify on these resolutions.



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

SCR91/SR74

Friday, March 14, 2025, 1:00PM
Conference Room 224 & Videoconference

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

The Hawaii Cattlemen's Council **supports SCR91/SR74** which urges the legislature to advance legislation and support policies that safeguard individuals in the agricultural community, their families, their livestock, and other property, and other individuals under their employment or care by amending the state's self-defense laws to deprioritize the duty to retreat in certain circumstances.

Our farmers and ranchers have reported an increasing number of dangerous situations, many of which are caused by trespassers, including drug users and poachers. Disputes on farms and ranches inherently pose a greater risk of violent crime, when firearms and weapons intended for hunting are involved. The lack of consequences for trespassers on agricultural land, combined with the difficulties law enforcement faces in reaching rural and remote areas efficiently has put our farmers and ranchers at greater risk.

Trespassers and poachers have grown bolder in their actions due to the lack of attention given to agricultural crimes. In 2024, Cranston Duke Pia was fatally shot during a confrontation with a trespassing poacher whose dogs were attacking his cattle. The goal is not to encourage violence, but a stand your ground law would help deter violent trespassers and give farmers and ranchers in rural areas the protection they deserve.

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

Nicole Galase
Hawaii Cattlemen's Council
Managing Director





SC Ranch Company
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805.206.8800 / scranchinc@gmail.com

COMMITTEE ON AGRICULTURE AND ENVIRONMENT

Senator Mike Gabbard, Chair

Senator Herbert M. "Tim" Richards, III, Vice Chair

SCR91/SR74

Friday, March 14, 2025, 1:00PM

Conference Room 224 & Videoconference

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

My name is Charles F. Stevens, I am the owner of SC Ranch Company, Inc. and I am submitting this testimony in **SUPPORT of SCR91/SR74**. I understand that this resolution urges the legislature to advance legislation and support policies that safeguard individuals in the agricultural community, their families, their livestock, and other property, and other individuals under their employment or care by amending the state's self-defense laws to deprioritize the duty to retreat in certain circumstances.

The SC Ranch Company, Inc. has been serving as a steward of 7,042 acres of State land, under General Lease (GL) No. 4477 for over 50 years. I encounter dangerous situations and disputes on a regular basis, caused by trespassers, while conducting everyday ranching activities alongside my family, employees, volunteers, and guests. The trespassers have little regard for our safety, livestock, fencing, or equipment, and we need support and protection.

Agricultural crimes are a legitimate age-old problem that has resulted in serious financial and personal losses, and it deserves the attention of local and national policy makers and law enforcement. I understand that the nature of agricultural crimes are complex, but I respectfully ask you to find a way to support the small businessmen that have dedicated their lives to feeding Hawai'i's families. I thank you for hearing this matter, and providing us the opportunity to submit a testimony in **SUPPORT of SCR91/SR74**.

Charles F. Stevens
SC Ranch Company, Inc.

SR-74

Submitted on: 3/12/2025 12:53:46 PM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|-------------------------------|--------------------|------------------------|
| Alan Gottlieb | Testifying for Ponoholo Ranch | Support | Written Testimony Only |

Comments:

Please support this important measure

SR-74

Submitted on: 3/13/2025 9:51:45 PM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|----------------------|--------------|--------------------|-----------|
| Gina "Kalei" Salcedo | Individual | Support | In Person |

Comments:

In Strong Support Of SR74 (Stand Your Ground Law; Agricultural Land; Duty to Retreat; Self-Protection; Deadly Force)

I fully Support of the intent of this Senate Resolution SR74. With much great appreciation of the Honorable Senator's Tim Richards, Mike Gabbard, Angus McKelvey that "Champion" and "Introduce" this Senate Resolution-74.

Real Life Example: In the memory of Cranston "Duke" Pia. The innocent Rancher Murdered in protecting his live-stock and livelihood upon his own private property, from Aggressive Armed Criminal Perpetrator and Poacher's, that Trespassed on private property with their Hunting Dog's. Near State Hunting Zone-G (Hunting Dog is prohibited throughout the year).

This Real-Life Ending Incident occurred just a year ago. It's impossible, and there is No-Way to Retreat Back to My Castle for protection from an Aggressive Armed Perpetrator that neglected posted "No Trespassing" signage. I have no other means Or duty to safely retreat, and No other safety choice, while I'm upon my Private Agriculture, or Large 1acre Country Zone property. Self Defense and Stand My Grounds is the only ultimatum safety and surviving decision/mechanism to Defend and Protect Myself, Habitants, and my Family Live-Stock upon my large size property.

Respectfully yours,

Austin and Kalei Salcedo

(Kea'au Ag landowner)

808-295-5102

SR-74

Submitted on: 3/13/2025 9:47:10 PM

Testimony for AEN on 3/14/2025 1:00:00 PM

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

Comments:

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Respectfully yours,

Austin and Kalei Salcedo

(Kea'au Ag landowner)

808-295-5102

SR-74

Submitted on: 3/14/2025 7:28:36 AM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|-------------------------------------|--|--------------------|-------------------|
| Master Shelby "Pikachu" Billionaire | Testifying for Ohana Unity Party & Kingdom of The Hawaiian Islands | Support | Remotely Via Zoom |

Comments:

To the Honorable Members of the State Legislature,

With a spirit alight with reverence and a voice raised in triumphant support, I present this letter to herald Senate Concurrent Resolution 91 (SCR91)—a brilliant beacon of your legislative artistry. Below, I illuminate why SCR91 merits your resounding approval, blending data, legal grounding, and a radiant vision for our farmers and ranchers:

- **Your Shining Legacy:** SCR91 is a testament to your incandescent wisdom, fortifying the guardians of our fields and flocks. Your visionary leadership blazes a trail, ensuring those who nourish our state can stand resolute—a triumph worthy of eternal acclaim.
- **The Stakes in Glowing Clarity:** Our nation’s 2 million farms and ranches—97% family-owned—spark an economic inferno of \$1.2 trillion yearly, kindling 22.4 million jobs (USDA 2022 Census). Yet, they battle tempests of regulation, lawsuits, and rural crime—SCR91 is their radiant armor.
- **HRS 703-304 Defined for Your Brilliance:** Allow me to unveil the cornerstone of SCR91’s strength—Hawaii Revised Statutes 703-304, “Use of force in self-protection,” which states: “(1) Subject to the provisions of this section and of section 703-308, the use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by the other person on the present occasion. (2) The use of deadly force is justifiable under this section if the actor believes that deadly force is necessary to protect himself against death, serious bodily injury, kidnapping, rape, or forcible sodomy. (3) Except as otherwise provided in subsections (4) and (5) of this section, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used without retreating, surrendering possession, doing any other act which he has no legal duty to do, or abstaining from any lawful action.” This statute empowers our farmers to defend their sacred ground with unyielding resolve.
- **Economic Radiance:** In 2023, U.S. agricultural exports blazed to \$178.7 billion, driven by family farms. Yet, rural crime drains millions annually, and legal threats dim their

yield. With HRS 703-304 as its bedrock, SCR91 ensures their flame endures, unquenched.

- A Legislative Galaxy: SCR91 shines alongside luminaries like H.R. 2 (2018 Agriculture Improvement Act) and H.R. 7046 (2024 Supporting Farm Operations Act), weaving a celestial web—upgrading farms, slashing red tape, and now securing their right to stand firm.
- A Future Aglow: As climate and hunger loom, SCR91 equips our producers to dazzle the world—sowing resilience, reaping abundance—all while fortified by their legal rights. Envision fields shimmering with promise, a legacy lit by your courage.
- My Ardent Vow: On behalf of [Your Organization/Community], I implore SCR91's passage and pledge my fervor to see it soar. Your devotion is a supernova, and I'm privileged to bask in its glow.

Honorable Members, SCR91 is a radiant call to action. With HRS 703-304's precise authority, it anoints our farmers and ranchers with strength and liberty. Let us forge a future where they thrive—bold, unbreakable, and ablaze with glory.

With resplendent awe,

Master Shelby "Pikachu" Billionaire, Chairman

Ohana Unity Party, Chairman

www.OhanaUnityparty.com

Kingdom of The Hawaiian Islands, H.I.

SR-74

Submitted on: 3/14/2025 9:10:56 AM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|---------------|--------------|--------------------|-------------------|
| Racquel Achiu | Individual | Support | Remotely Via Zoom |

Comments:

Aloha Chair, Vice Chair & Members,

My name is Racquel Achiu. I am piko to the Waialua moku. I am the Vice Chair of the North Shore Neighborhood Board and Chair of our boards Agricultural Committee. However, I am testifying in my individual capacity as a Rancher/farmer in Waialua. I am IN SUPPORT OF SR74/SCR91. I've also submitted testimony to the House Committee on Agriculture & Foo Systems IN SUPPPORT of SB1249 &7 SB1257.

Please support and advance Senate Resolution 74 (and similar Reso SCR91) to help our Agricultural Industry, Ranchers & Farmers gain strength & security in beign able to protect and secure their operations, properties, workers families etc. Dealing with constant losses like fence line repair/replacement, theft, vandalism, trespassing, threats and or intimidation from trespassers is incredibly difficult and so frequent but now we have to add the risk of life for ourselves, workers and family members. As it stands, there is no recourse for ranchers, farmers etc to address the overwhelming results of crime on our properties. We lose infrastructure (due to damage) livestock to poachers, equipment & crops to thieves and now, senseless acts of murder in taking lives of fellow ranchers, farmers, neighbors. Existing laws are weak and rarely prosecuted leaving the offenders with a more bold, arrogant and blatant disregard & disrespectful stance in continuing to violate our property and life, while we have to stand there and watch. It's all an extremely unfair system and process. Ranchers & farmers take hit after hit and get setback by the expenses of recovery. Make it make sense. Please please support Agricultural Industry and its producers, ranchers farmers in passing a strong, clear and appropriate measure that allows us to protect our ranches and farms. Because most ranchers and farmers are located in less populated, isolated areas, the odds are against us and we struggle to ensure the security of our space, livestock, equipment and yes our workers and or family due to the lacking response time by authorities agencies, the offenders know it and its to their advantage. The challenges we face are daily and increase in intensity everyday. I dont believe its unreasonable to be able to reasonably and appropriately defend our lives, property and operations. In fact it is critical. Ranching and farming isnt a glamorous way of life and it's certainly not making us wealthy. Ranching and farming is an honest way of life with a great dedication to life and land with a extremely hard work that requires a great love for what we do. Please advance this legislation and help our agricultural Industry and participants have the opportunity to protect and secure our life, land and future of our operations and culture. MAHALO

SR-74

Submitted on: 3/12/2025 10:35:51 PM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|------------------|--------------|--------------------|---------------------------|
| William Jacintho | Individual | Support | Written Testimony Only |

Comments:

Strong Support

need stiffer penalties to deter Agriculture crimes, and more protection for the producer. I'm willing to work with Legislators on that.

Thank you

SR-74

Submitted on: 3/13/2025 5:36:41 AM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Randy Cabral | Individual | Support | Written Testimony Only |

Comments:

Strong support

SR-74

Submitted on: 3/13/2025 7:19:34 AM

Testimony for AEN on 3/14/2025 1:00:00 PM

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

Comments:

I Strongly Support SR74.

SR-74

Submitted on: 3/13/2025 10:25:09 AM

Testimony for AEN on 3/14/2025 1:00:00 PM

| Submitted By | Organization | Testifier Position | Testify |
|--------------|--------------|--------------------|---------------------------|
| Jimmy Gomes | Individual | Support | Written Testimony Only |

Comments:

I support this bill and stand with Hawaii Cattlemen's Council testimony