

ACT 217

S.B. NO. 759

A Bill for an Act Relating to Agriculture.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. The legislature finds that agricultural theft and vandalism are a constant worry for farmers and ranchers in the State. Given the broad acreage that many farming and ranching operations encompass, it is often difficult for farmers and ranchers to police their entire operations at all times. Furthermore, vigilance at night after work hours may be challenging because not all farmers and ranchers are able to live on or near the fields where they work. All of these factors make agricultural operations easy prey for theft or vandalism.

The legislature also finds that the county of Hawaii is known as the breadbasket of the State. However, agricultural theft and vandalism have been a constant threat for farmers and ranchers on the island and have also been a problem in the county of Maui, increasing the cost of production and making it more difficult for farming and ranching operations to be successful.

The legislature further finds that individuals who grow food or other agricultural products for their own use or for sale also may be targets of agricultural product theft and vandalism. This theft and vandalism dispossesses victims of food they have grown, deprives them of a source of income, and reduces their self-sufficiency.

The purpose of this Act is to establish a two-year agricultural theft and vandalism pilot project to examine the effectiveness of prosecuting agricultural theft and vandalism cases in the counties of Hawaii and Maui, including theft and vandalism affecting individuals who are not full-time farmers or ranchers.

SECTION 2. (a) The department of agriculture shall:

- (1) Establish a two-year agricultural theft and vandalism pilot project to examine and assess the effectiveness of prosecuting agricultural theft and agricultural vandalism cases in the counties of Hawaii and Maui;
- (2) Examine and assess the effectiveness of prosecuting the theft of agricultural products produced for personal or commercial use on any land, regardless of land classification, and agricultural vandalism;
- (3) Partner with the counties of Hawaii and Maui to hire one full-time equivalent (1.0 FTE) enforcement officer for each county, to be placed within the respective prosecuting attorney's office or any other law enforcement agency; and
- (4) Assess the implementation of the pilot project, including the pilot project's effectiveness in:
 - (A) Identifying the number of convictions for agricultural theft and agricultural vandalism;
 - (B) Identifying best practices for prosecuting perpetrators of agricultural theft and agricultural vandalism;

- (C) Identifying best practices for the coordination of local police and other enforcement officers' interaction between the prosecuting attorney's office and the judiciary;
 - (D) Identifying best practices for the development and implementation of the public's and farmers' reporting of agricultural theft, agricultural vandalism, or the attempt of agricultural theft or vandalism;
 - (E) Identifying areas where agricultural theft and agricultural vandalism are most prevalent;
 - (F) Identifying best practices for preventing agricultural theft and agricultural vandalism; and
 - (G) Making recommendations for a statewide program to address agricultural theft and agricultural vandalism.
- (b) Based on the department of agriculture's assessment of the agricultural theft and vandalism pilot project, the department shall determine whether to continue, expand, or end the pilot project.
- (c) The department of agriculture shall submit reports to the legislature of its findings and recommendations, including any proposed legislation, no later than twenty days prior to the convening of the regular sessions of 2020 and 2021.

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of \$200,000 or so much thereof as may be necessary for fiscal year 2019-2020 for the establishment and implementation of a two-year agricultural theft and vandalism pilot project.

The sum appropriated shall be expended by the department of agriculture for the purposes of this Act.

SECTION 4. This Act shall take effect on July 1, 2019.

(Approved July 2, 2019.)