

Honolulu, Hawaii

APR 25 2025

RE: S.B. No. 1249
S.D. 1
H.D. 2
C.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Honorable Nadine K. Nakamura
Speaker, House of Representatives
Thirty-Third State Legislature
Regular Session of 2025
State of Hawaii

Sir and Madam:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 1249, S.D. 1, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish an Agricultural Crime Prevention Program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services to benefit the State's agricultural industry;
- (2) Clarify create, and strengthen laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands;



- (3) Establish clear distinctions between administrative and criminal penalties; and
- (4) Appropriate funds to the Department of Agriculture to carry out this measure and hire necessary staff.

Your Committee on Conference finds that agricultural crimes pose a significant and growing threat to the sustainability and growth of the State's agricultural industry. This measure seeks to address the complex and multifaceted nature of agricultural crimes and safeguard local food production for present and future generations by ensuring stronger legal protections for the agricultural producers of the State.

Your Committee on Conference has amended this measure by:

- (1) Deleting language that would have established an Agricultural Crime Prevention Program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services to benefit the State's agricultural industry, and replacing it with language that establishes the Agricultural Enforcement Pilot Program on the islands of Oahu and Hawaii to be implemented at the discretion of the Director of Law Enforcement, and appropriates \$949,856 for each year of the fiscal biennium for:
 - (A) The establishment of the following positions within the Agricultural Enforcement Pilot Program:
 - (i) One full-time equivalent (1.0 FTE) assistant chief position;
 - (ii) Two full-time equivalent (2.0 FTE) state law enforcement investigator positions; provided that one position shall be assigned to the County of Hawaii and one position shall be assigned to the City and County of Honolulu; and
 - (iii) Six full-time equivalent (6.0 FTE) uniformed state law enforcement officer positions for patrol functions; provided that three positions shall be assigned to the County of Hawaii and three positions shall be assigned to the City and County of Honolulu; and



- (B) Other operating expenditures of the Agricultural Enforcement Pilot Program;
- (2) Establishing sentencing requirements for a conviction of the offense of habitual agricultural crime;
 - (3) Amending the definition of "brand" as it relates to certain animals;
 - (4) Deleting language that would have established additional livestock inspectors and a veterinary medical officer within the Department of Agriculture;
 - (5) Clarifying that a livestock harvesting establishment may seek assistance from the Department of Agriculture or a law enforcement officer, rather than a livestock inspector, if ownership determination via brand inspection is in question, or violation or theft is suspected;
 - (6) Requiring the management of a livestock harvesting establishment to submit to the Department of Agriculture, on a weekly basis, livestock ownership and movement certificates that correlate with all livestock harvested;
 - (7) Deleting language that would have established the Brand Inspection Special Fund;
 - (8) Deleting language that would have specified that the Department of Agriculture's duties, under the laws on animals, brands, and fences, are administrative;
 - (9) Requiring the fees for applications to register a brand or mark and fines imposed in connection with the offense of criminal trespass on agricultural land to be deposited into the Animal Industry Special Fund;
 - (10) Clarifying that a person is guilty of a petty misdemeanor, rather than a misdemeanor, when the person maliciously and designedly opens a gateway, or breaks a fence, to allow an animal to commit a trespass;
 - (11) Deleting language that would have amended existing law regarding fines for continued trespassing by animals;
 - (12) Clarifying that dog owners who neglect or refuse to take certain actions when their dogs trespass on private



property and cause property damage are guilty of a misdemeanor and shall pay the person injured for the damage and the costs of trial;

- (13) Deleting language that would have allowed persons convicted of a habitual agricultural crime to be sentenced to an indeterminate term of imprisonment;
- (14) Requiring persons discovering an altered, removed, obliterated, or prohibited brand to make a report of the altered, removed, obliterated, or prohibited brand to any law enforcement officer or the Department of Agriculture, rather than any livestock inspector;
- (15) Denying the opportunity for probation or a suspension of sentence for any person convicted of hunting or night hunting on private agricultural lands and clarifying sentencing requirements;
- (16) Deleting language that would have amended existing laws on hunting on private lands to require written authorization;
- (17) Deleting language that would have included the duties and prohibitions relating to hunting on agricultural lands in the instruction provided by the Department of Agriculture's Hunter Education Program;
- (18) Deleting language that would have required certain signage as an element of the offense of criminal trespass on agricultural land;
- (19) Deleting language that would have required sentences without the possibility of probation for those convicted of criminal property damage in the first degree, second degree, and third degree;
- (20) Increasing the minimum term of imprisonment for those for those convicted of criminal property damage in the second degree from ninety days to one hundred eighty days;
- (21) Increasing the minimum term of imprisonment for those for those convicted of criminal property damage in the third degree from thirty days to ninety days;



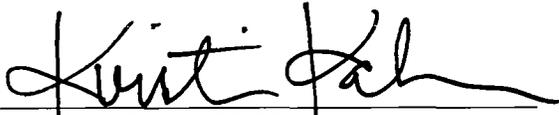
- (22) Deleting language that would have appropriated funds to the Department of Agriculture to carry out this measure and hire necessary staff;
- (23) Amending section 1 to reflect its amended purpose;
- (24) Changing the effective date to July 1, 2025; provided that the Agricultural Enforcement Pilot Program shall repeal on July 1, 2028; and
- (25) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 1249, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 1249, S.D. 1, H.D. 2, C.D. 1.

Respectfully submitted on behalf of the managers:

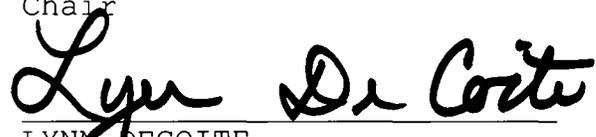
ON THE PART OF THE HOUSE

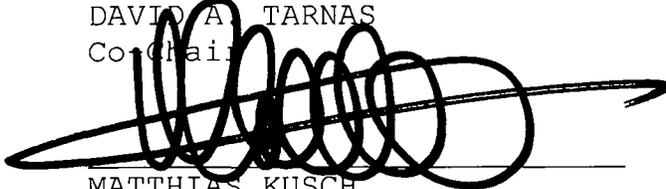
ON THE PART OF THE SENATE


KIRSTIN KAHALOA
Co-Chair


MIKE GABBARD
Chair


DAVID A. TARNAS
Co-Chair


LYNN DECOITE
Co-Chair


MATTHIAS KUSCH
Co-Chair


KARL RHOADS
Co-Chair



