

STAND. COM. REP. NO.

1451

Honolulu, Hawaii

MAR 21

, 2025

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

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

Madame:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred S.B. No. 1249, S.D. 1, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURE,"

begs leave to report as follows:

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 for the benefit of 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 for certain positions.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawai'i Farm Bureau; Hawai'i

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Food+ Policy; Ohana Unity Party; and five individuals. Your Committee received testimony in opposition to this measure from the Office of the Public Defender. Your Committee received comments on this measure from the Department of the Attorney General; Department of Budget and Finance; and Hawaii Cattlemen's Council, Inc.

Your Committee finds that weak enforcement mechanisms and resource shortages related to agricultural crime have hindered effective crime prevention and prosecution, allowing repeat offenses to persist with limited legal consequences. To combat these issues, this measure creates an Agricultural Crime Prevention Program within the Department of Agriculture, offering financial support for security upgrades, expanding crime prevention education, and fostering stronger law enforcement partnerships.

Your Committee has amended this measure by:

- (1) Designating the measure as "Duke's Law" in memory of Cranston "Duke" Pia and amending the preamble;
- (2) Amending the sentencing requirements for a conviction of the offense of habitual agricultural crime;
- (3) Amending the definition of "brand" as it relates to livestock branding;
- (4) Establishing additional livestock inspectors and a veterinary medical officer in the Department of Agriculture, instead of a specialized unit of brand inspectors;
- (5) Amending the requirements for livestock inspection before slaughter;
- (6) Clarifying that brand registration fees shall be deposited into the Brand Inspection Special Fund;
- (7) Clarifying that the performance of the Department of Agriculture's duties is administrative;
- (8) Amending the penalties for violations of the chapter related to animals, brands, and fences;



- (9) Allowing a livestock ownership and movement certificate to be electronically transmitted to the Department of Agriculture when livestock is sold or transported, and deleting language that would have required a copy of the certificate to be presented upon request to a brand inspector, instead of a law enforcement officer;
- (10) Clarifying that the penalty for a violation of the law related to livestock ownership or movement only applies upon the sale of livestock, transport of livestock to slaughter, or transport of livestock interisland or interstate;
- (11) Increasing the penalty from a petty misdemeanor to a misdemeanor for causing an animal to commit trespass by opening a gateway, breaking a fence, or driving or leading the animal into another locality;
- (12) Deleting language that would have made it a misdemeanor for dog owners to neglect or refuse to take certain actions when their dog trespasses on private property and causes property damage;
- (13) Deleting language that would have amended the penalties for various wildlife offenses, including hunting on private property, and instead establishing penalties and requirements specifically for hunting on agricultural lands;
- (14) Amending the penalties for criminal trespass on agricultural land; and
- (15) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1249, S.D. 1, H.D. 1, as amended herein, and recommends that it be referred to your Committee on Finance in the form attached hereto as S.B. No. 1249, S.D. 1, H.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary &
Hawaiian Affairs,

David Tarnas

DAVID A. TARNAS, Chair



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Bill/Resolution No.: SB 1249 (DI HDI)		Committee Referral: AGR, JHA, FIN		Date: 03/18/2025	
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.					
The recommendation is to: <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)					
JHA Members		Ayes	Ayes (WR)	Nays	Excused
1. TARNAS, David A. (C)		✓			
2. POEPOE, Mahina (VC)		✓			
3. BELATTI, Della Au		✓			
4. COCHRAN, Elle					✓
5. HASHEM, Mark J.		✓			
6. KAHALOA, Kirstin		✓			
7. PERRUSO, Amy A.		✓			
8. TAKAYAMA, Gregg		✓			
9. TODD, Chris		✓			
10. GARCIA, Diamond		✓			
11. SHIMIZU, Garner M.		✓			
TOTAL (11)		10	0	0	1
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)					
Vice Chair's or designee's signature: _____					
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO					