



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

ON THE FOLLOWING MEASURE:

S.B. NO. 1249, S.D. 1, H.D. 1, RELATING TO AGRICULTURE.

BEFORE THE:

HOUSE COMMITTEE ON ON JUDICIARY & HAWAIIAN AFFAIRS

DATE: Tuesday, March 18, 2025 **TIME:** 2:15 p.m.

LOCATION: State Capitol, Room 325

TESTIFIER(S): Anne E. Lopez, Attorney General, or
Kelcie Nagata, Deputy Attorney General, or
Tricia M. Nakamatsu, Deputy Attorney General

Chair Tarnas and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments in support of this bill. The Department also provides suggested amendments to further clarify and strengthen the bill.

This is an omnibus bill that is aimed to provide strong deterrence against agricultural crimes. The Department recognizes the complexity of agricultural crimes and supports the intent of this bill to strengthen and clarify existing legal frameworks to generally protect agriculture in the State. The Department of the Attorney General strongly supports laws that provide much needed protection to farmers and ranchers and that treat agricultural crimes with the seriousness they deserve.

Overall, this bill clarifies violations related to agriculture and agricultural lands and strengthens penalties for certain agricultural crimes. Additionally, the bill establishes an Agricultural Crime Prevention Program within the Department of Agriculture, which is intended to provide grants to support farmers in obtaining fencing or other protective or surveillance equipment for all agricultural lands.

We note that the bill is entitled "Relating to Agriculture," yet part VI of the bill amends hunting laws, specifically those regarding hunting on private lands. While we understand that the amendments proposed in the bill aim to address hunting on privately owned agricultural lands, the current amendments in sections 33 through 36

(page 42, line 8, to page 54, line 5) appear to affect all private lands. This raises a potential concern regarding the single-subject rule under article III, section 14, of the Hawai'i Constitution. To address this issue, we recommend the following amendments to part VI of the bill.

SECTION 33: PENALTIES (section 183D-5, Hawaii Revised Statutes (HRS))

To increase penalties for hunting on private agricultural lands without the landowner's permission under section 183D-26, HRS, and for night hunting on those lands under section 183D-27, HRS, the Department recommends removing all proposed amendments to section 183D-5 except for amending subsection (b) (page 45, line 11) by adding a proviso after paragraph (3) to read as follows:

considered contraband to be forfeited to and disposed
of by the State[-];
provided that any violation of section 183D-26 or 183D-27 that occurs on
agricultural land shall be sentenced pursuant to subsection (d).

* * * *

and inserting a new subsection (d), following current subsection (c) on page 46, line 20, to read as follows:

(d) Any person who violates section 183D-26, or 183D-27, if the offense occurred on agricultural land, shall be guilty of a class C felony, and upon conviction thereof, shall be sentenced as follows:

(1) For a first offense, or any offense not preceded within ten years of a previous conviction for an offense under the same section:

(A) An indeterminate term of imprisonment of five years with a mandatory minimum term of imprisonment of not less than one hundred eighty days; or

(B) A term of probation of four years with conditions to include but not limited to not less than one hundred eighty days of imprisonment; or

(2) For an offense that occurs within ten years of a previous conviction for an offense under the same section, an indeterminate term of imprisonment of five years with a mandatory minimum term of imprisonment of not less than one year;

provided that all animal parts, products, or items containing prohibited animal parts or products involved in the commission of the violations shall be considered contraband to be forfeited to and disposed of by the State; and provided further that any property used in the commission of the offense, or that facilitated or assisted in the offense, including firearms,

hunting animals, or vehicles, shall be subject to forfeiture under chapter 712A.

In addition to the single subject title issue, these revisions address an internal inconsistency within the current amendments to section 183D-5, which prohibits probation yet later includes it as an option.

SECTION 34: HUNTING ON PRIVATE AGRICULTURAL LANDS (section 183D-26, HRS)

To require written permission signed by the owner or duly registered agent for hunting on private agricultural lands and impose additional deterrence for illegally hunting on those lands, we recommend amending section 183D-26 (page 50, line 16, to page 51, line 13) as follows:

§183D-26 Hunting on private lands prohibited. (a) No person shall enter upon any land or premises belonging to, held, or occupied by another, for the purpose of hunting or to take any kind of wildlife including game without first having obtained permission from the owner or a duly appointed agent, if the owner is the occupier or holder, or if the owner has let another occupy or hold the same, without having first obtained the permission of the occupier or holder thereof, or the duly appointed agent of the occupier or holder[-]; provided that if the land or premises is agricultural land, the permission shall be in writing and signed by the owner or duly appointed agent.

(b) No person to whom written permission has been granted to enter upon any agricultural land belonging to, held, or occupied by another for the purpose of hunting or taking any kind of wildlife shall allow any other person to carry, display, or use the written permission in any way. Every person to whom written permission has been granted shall physically possess the written permission when hunting and shall show the written permission upon the demand of any officer authorized to enforce the game laws of the State.

(c) For the purposes of this section, the fact that a person is found upon any agricultural land belonging to, held, or occupied by another shall be prima facie evidence that the person knew the person had entered upon agricultural land belonging to, held, or occupied by another.

(d) If the offense under this section occurs on agricultural land, any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit the offense, or that facilitated or assisted the activity, and any proceeds or other property acquired or maintained with the proceeds from the offense may be ordered forfeited to the State, subject to the requirements of chapter 712A.

~~[(b)]~~ (e) No prosecution shall be brought under this section, except upon the sworn complaint of the owner, occupier, or holder of the land or premises, or a duly appointed agent of the owner, occupier, or holder, or if the owner, occupier, or holder is either a corporation or a partnership, then the complaint shall be sworn to by an officer of the corporation or by one of the members of the partnership.

SECTION 35: NIGHT HUNTING ON PRIVATE AGRICULTURAL LANDS (section 183D-27, HRS)

To impose additional deterrence for night hunting on private agricultural lands, including explicitly allowing forfeiture of any property associated with the offense, we recommend amending section 183D-27 (page 52, line 3, to page 53, line 9) as follows:

§183D-27 Night hunting on private lands; prohibition. (a) Notwithstanding section 183D-26, no person shall take or pursue any game bird, game mammal, wild bird, or wild mammal at night on privately owned lands, except as authorized by the department pursuant to section 183D-61. For the purpose of this section, "night" means the period between one-half hour after sunset and one-half hour before sunrise.

(b) For purposes of this section, the fact that the person is found upon any privately owned agricultural land shall be prima facie evidence that the person knew that the person had entered privately owned agricultural land.

(c) If the offense occurs on agricultural land, any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit the offense, or that facilitated or assisted the activity, and any proceeds or other property acquired or maintained with the proceeds from the offense may be ordered forfeited to the State, subject to the requirements of chapter 712A.

OTHER REVISIONS REGARDING AGRICULTURAL LANDS

To reinforce the bill's focus on agriculture, the Department recommends:

- Amending the amendments to section 183D-28(a) (section 36, page 53, line 15) to replace the term "private lands" with the term "agricultural lands".
- Adding a definition for "agricultural land" in section 183D-1, HRS:

"Agricultural land" means any land used primarily for a farming operation, as defined in section 165-2; provided that the term shall include land used for farm buildings and dwellings and roads and irrigation infrastructure associated with the agricultural land.

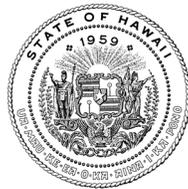
MISCELLANEOUS SUGGESTIONS:

In addition to the amendments pertaining to hunting on agricultural lands, the Department also recommends:

- On page 19, line 6, adding the word "administrative," to state, "In the performance of its administrative duties . . . "
- On page 27, lines 12-17, replacing section 142-12 (d) with the following:

(d) ~~[Persons found to be in possession of any animal, fodder, fittings, or effects contrary to this chapter shall be found guilty and upon conviction shall be punished in accordance with this section.]~~ Any property used or intended for use in the commission of, attempt to commit, or conspiracy to commit a violation of this chapter, or that facilitated or assisted the activity, and any proceeds or other property acquired or maintained with the proceeds from violation of this chapter may be ordered forfeited to the State, subject to the requirements of chapter 712A.

We respectfully ask this Committee to pass this bill with the suggested amendments. Thank you for the opportunity to provide testimony.



JOSH GREEN, M.D.
GOVERNOR

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HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
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ADMINISTRATIVE AND RESEARCH OFFICE
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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
SENATE BILL NO. 1249, S.D. 1, H.D. 1

March 18, 2025
2:15 p.m.
Room 325 and Videoconference

RELATING TO AGRICULTURE

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

Senate Bill (S.B.) No. 1249, S.D. 1, H.D. 1, adds a new part to Chapter 141, HRS, to: 1) establish the Agricultural Crime Prevention Special Fund to be administered and expended by the Department of Agriculture (DOA); 2) establish the Agricultural Crime Prevention Program (ACPP) within DOA to provide grants to deter, prevent, and prosecute agricultural crimes; and 3) create standards for the grants that are to be awarded for the purposes of the ACPP. The bill amends Chapter 142, HRS, to: 4) allow DOA to set, charge, and collect administrative fines, fees, and associated costs, up to specified dollar limits, for any administrative violation of the chapter for which a penalty is not otherwise provided by law; 5) define habitual agricultural crimes; 6) establish a specialized unit of brand inspectors within DOA and enumerate the powers of the brand inspectors; 7) require the inspection and verification of livestock by DOA prior to slaughter; 8) establish the Brand Inspection Special Fund to be used for the implementation and administration of the specialized unit of brand inspectors;

9) amends the general duties of DOA to include the duties provided by the brand inspectors. The bill further amends various sections of Chapters 142, 145, 146, 183D, 708, and 712, HRS, to: 10) add criminal trespass on agricultural lands as an offense against property rights; and 11) clarify and adjust penalties for agriculture-related administrative and criminal violations. Finally, the bill appropriates an unspecified amount of general funds for FY 26 and FY 27 to carry out the purposes of this act and to fund an unspecified number of positions.

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 S.B. No. 1249, S.D. 1, H.D. 1, it is difficult to determine whether the proposed special funds would be self-sustaining.

Thank you for your consideration of our comments.

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March 17, 2025

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SB1249 SD1 HD1: RELATING TO AGRICULTURE

Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee on Judiciary and Hawaiian Affairs:

The Office of the Public Defender (OPD) **opposes SB1249 SD1 HD1** for the following reasons.

The offense habitual agricultural crime is unnecessary, unconstitutional and would put a strain on the criminal justice system.

Part III, Section 3 of the bill creates the offense of habitual agricultural crime, HRS § 142-B. The trend in recent years has been to decriminalize offenses and move toward alternatives to incarceration. The various criminal offenses created under the bill range from petty misdemeanors to felony offenses. Under the habitual agricultural crime section, a person who has three petty misdemeanor or misdemeanor offenses within five years would be elevated to a Class C felony offender on his fourth offense – this is unnecessary. Judges already possess the discretion to increase punishment for subsequent convictions beginning at probation and then increasing jail time. This discretion allows the judge to impose punishment which is commensurate to the facts of the particular offense. Under the bill, even if the fourth offense is of a petty misdemeanor level of severity, the person would be subject to punishment as a felony offender.

By taking away the judge's consideration of the severity of the offense and the Legislature's previous judgment in classifying the offense as a petty misdemeanor (in this example), the bill would be unconstitutional as it violates the principle of proportionality embodied in the eighth amendment to the U.S. Constitution and article I, section 12 of the Hawaii Constitution. Simply put, the principle of proportionality means that under our criminal justice system the punishment must fit the crime. This bill violates proportionality by allowing a person who is convicted of a petty misdemeanor or misdemeanor offense to be punished as if they committed a felony level offense. This bill departs sharply from the proportionality rule by failing to take into consideration the gravity of the offense.

Finally, as a practical matter, creating a felony offense for what would normally be petty misdemeanor or misdemeanor offenses will have adverse impacts on the already backlogged court system and overcrowded correctional facilities. Faced with a felony conviction, repeat offenders will demand costly and time-consuming trials rather than submitting to plea bargaining. Since many of the affected defendants will be indigent and require the services of the OPD, the expenses of their defense will be borne by taxpayers. Moreover, persons who are convicted and sentenced to prison as a repeat offender on this bill will needlessly add to the overcrowding of our prisons and the resultant costs of incarceration for persons who would normally be petty misdemeanants and misdemeanants. Does it really make sense or is it by any stretch of the imagination necessary and practical to have a person who is convicted of breaking a fence to allow an animal egress or other non-violent agricultural offenses to be incarcerated with persons who commit serious, violent felony offenses?

The language used in the penalty provisions of the bill is confusing.

HRS § 142-B: The sentencing provisions of this section are unclear. HRS § 142-B(c) states that habitual agricultural crime is a Class C felony. However, subsection (d)(1) sets the indeterminate prison term as a minimum of one year and up to five years. Under HRS § 706-660(1)(b), the normal term for a Class C felony is five years. HRS § 706-660(2) specifies that Class C felonies under Chapter 712 are subject to an indeterminate term of imprisonment, which subsection (2)(b) sets at between one to five years. For clarity, HRS § 142-B(c) of the bill should be deleted and HRS § 706-660(2) should be amended to add HRS § 142-B to the offenses which are eligible for an indeterminate term of imprisonment. In addition, (d)(1) uses the term “minimum term of imprisonment,” this is confusing. The term “minimum term of imprisonment” in HRS § 706-669 refers to the term set by the Hawai‘i Paroling Authority, not the lower end of the term of imprisonment available to the court. The OPD suggests that the language used in HRS § 706-660 be used instead “five years or less, but not less than one year.”

HRS § 142-12: In order to provide additional clarity the OPD suggests the following changes:

Subsection (a)(1) “thirty days or less, but not less than three consecutive days” instead of “... imprisonment of not less than three consecutive days.”

Subsection (a)(2) “thirty days or less, but not less than ten days” instead of “not less than ten days.”

Subsection (b)(1) “one year or less, but not less than five consecutive days” instead of “imprisonment of not less than five consecutive days.”

Subsection (b)(2) “one year or less, but not less than thirty days” instead of “imprisonment of not less than thirty days.”

HRS § 183D-5: In order to provide additional clarity, the OPD suggests the following changes:

Subsection (a)(1) “thirty days or less, but not less than three consecutive days” instead of “... imprisonment of not less than three consecutive days.”

Subsection (a)(2) “thirty days or less, but not less than ten days” instead of “not less than ten days.”

Subsection (b)(1) “one year or less, but not less than five days” instead of “imprisonment of not less than five days.”

Subsection (b)(2) “one year or less, but not less than thirty days” instead of “imprisonment of not less than thirty days.”

Subsection (b)(3) “one year or less, but not less than ninety days” instead of “imprisonment of not less than ninety days.”

Subsection (d)(1) “five years or less, but not less than thirty days” instead of “imprisonment of not less than thirty days.”

Subsection (d)(2) “five years or less, but not less than ninety days” instead of “imprisonment of not less than ninety days.”

Subsection (d)(2)(A) “five years or less, but not less than one year” instead of “[a]n indeterminate term of imprisonment of five years; provided that the minimum term of imprisonment shall not be less than one year.”

HRS § 708A (criminal trespass on agricultural land):

Subsection (3)(a)(i) “one year or less, but not less than three consecutive days” instead of “[a] term of imprisonment of not less than three consecutive days.”

Subsection (3)(b)(i) “one year or less, but not less than thirty days” instead of “[a] term of imprisonment of not less than thirty days.”

Subsection (3)(c)(i) “one year or less, but not less than ninety days” instead of “[a] term of imprisonment of not less than ninety days.”

Other issues with the bill:

Section 22 of the bill amends HRS § 142-74, liability of dog owner, to create a misdemeanor offense in this section – “... shall be guilty of a misdemeanor and pay the costs of the trial.” The OPD believes it is unconstitutional and illegal to require a defendant to pay the costs of a criminal trial, especially if the defendant is indigent.

As to any other amendments in **Section 22** of the bill which create new misdemeanor offenses, the OPD believes that the civil penalties are sufficient to deter violations of these sections and that it is not necessary to criminalize these types of offenses, especially as misdemeanor offenses.

Section 27 of this bill amends HRS § 145-12 to increase the available fine from \$1,000 to \$2,000. As the bill already classifies a violation under the chapter as a misdemeanor, the language “... and shall be fined not more than \$2,000 or imprisoned not more than one year, or both,” is redundant and unnecessary. HRS § 706-663 already

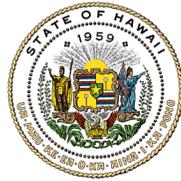
establishes the maximum term for a misdemeanor at one year and HRS § 706-640(d) already sets the maximum fine for a misdemeanor at \$2,000. Classifying the violation as a misdemeanor is sufficient to establish the applicable penalties.

Section 32 of this bill amends HRS § 183D-5(c). Although not an amendment proposed by this bill, the OPD questions the legality of the fines imposed in that section. Pursuant to HRS § 706-640(d), the maximum fine for conviction of a misdemeanor is \$2,000. Under HRS § 183D-5(c), which sets forth the authorized disposition for misdemeanor offenses under HRS § 183D-52 the minimum fine is \$10,000 under (c)(1), \$15,000 under (c)(2) and \$25,000 under (c)(3). As these fines exceed the allowable amounts under HRS § 706-640, the OPD questions their legality.

Thank you for the opportunity to comment on this measure.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

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Deputy to the Chairperson

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TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

TUESDAY, MARCH 18, 2025
2:15 PM
CONFERENCE ROOM 325

SENATE BILL NO. 1249, SENATE DRAFT 1, HOUSE DRAFT 1
RELATING TO AGRICULTURE

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

Thank you for the opportunity to testify on Senate Bill 1249, Senate Draft 1, House Draft 1 that establishes an agricultural crime prevention program within the Department of Agriculture (Department) to provide grants, education, administrative enforcement, and other services for the benefit of the State's agricultural industry. The bill also clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands, establishes clear distinctions between administrative and criminal penalties and appropriates funds.

The Department supports SB 1249, HD1 and also offers comments. Agricultural crimes pose a significant and growing threat to the sustainability and vitality of the State's agricultural industry and we appreciate the comprehensive addressing of agricultural crimes in this bill. The Department offers comments with the intent of aligning the implementation of the bill with the collaborating agency to avoid duplicating services. The comments are intended as suggestions because agricultural crime prevention requires an interagency effort, and the Department defers to the agencies noted in this testimony for their feedback.

The Department supports establishing an Agricultural Crime Prevention Division (ACP), within the Department, the organization of which is to be determined. The ACP, as a division, would maximize the effectiveness of the Agricultural Crime Prevention Program (Program) as there would be one focus, to prevent agricultural crimes.

The Agricultural Crime Prevention Program described in Part II (page 4, line 11 to page 10, line 8), provides grants to agricultural property owners to procure resources for crime prevention. The National Agricultural Statistics Service Farm Technology Use



Report released in 2019 reported that farmers and ranchers stated a need for 3,383 pieces of video surveillance equipment and 2,778 GPS/RFID livestock trackers. Farmers and ranchers want to prevent crimes on their property. The provision to allow vendors to assist the Department with the implementation of this measure ensures the Program will be fully carried out.

Portions of the revisions to Chapter 142 (Animals, Brands, and Fences) that are specific to livestock may be more effective if placed in Chapter 141 (Department of Agriculture, General Provisions), making it broadly applicable to agriculture and not limited to livestock. The personnel positions provided in the bill are livestock-focused - brand inspectors and a brand supervisor. To increase the coverage of the Program, we recommend these positions be reclassified to agricultural crimes coordinators for each county which allows them to address agricultural crimes in their counties while not precluding them from investigating cattle thefts. The Department's intent is to initially work with the Department of Law Enforcement for investigations and enforcement while retaining oversight, coordination responsibilities and administrative duties over agricultural crimes.

The Department intends to start the Program with one full-time grant chief (\$83,064), one full-time State agricultural crimes coordinator (\$73,836), and four full-time agricultural crimes county coordinators (\$68,280 each, totaling \$273,120). The Department also respectfully requests the addition of one full-time Administrative Assistant III position (\$49,860) to support the Division. Additional costs include \$500,000 for vehicles, travel, office equipment, office space, and so forth.

Thank you for the opportunity to testify on this very important measure.



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

SB1249 SD1 HD1

RELATING TO AGRICULTURE

Tuesday, March 18, 2025, 2:15 PM

Conference Room 325 & Videoconference

Chair Tarnas, Vice Chair Poepoe, and members of the committee,

The Hawaii Cattlemen's Council **provides comments on SB1249 SD1 HD1** which establishes 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. Clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands. Establishes clear distinctions between administrative and criminal penalties. Appropriates funds.

Mandatory brand inspection is a tool that needs to be carefully thought through before being considered for implementation in Hawaii. Instead, enhancing enforcement of established Certificate of Livestock Ownership and Movement forms is a more prudent step to immediately curtailing cattle theft. **Increasing livestock inspectors, rather than brand inspectors, can help to both verify the certificates to enforce this practice, as well as support additional DOA Animal Industry Division's disease prevention and control capabilities, which is crucial for ensuring we have biosecurity measures against avian influenza, bovine tuberculosis, and others.**

The survey of our member ranches instead cites trespass by perpetrators with firearms as a frequent and dangerous crime that ranchers in all counties face. Increased assistance and attention from existing law enforcement agencies, increased deterrence and elevated penalties, the ability for farmers and ranchers to protect themselves and their property, and actual prosecution in court are the tools that are needed to address the most pressing issue of dangerous trespassers.



We appreciate that parts of this bill addresses resources to assist agricultural producers with crime and respectfully suggest the following changes:

1. Page 1, Line 5: Include “homicide and terroristic threatening” to the list of crimes, and add “ranchers” in addition to farmers.
2. Page 13, Line 19: Update the definition of a brand
“Brand means a design registered with the Department of Agriculture that is permanently impressed on the [hide] skin of the animal by freezing [burning with acid, a chemical compound], or a hot iron.”
3. Page 14, Line 3: Use livestock inspectors and veterinary medical officers instead of brand inspectors and update “brand inspector” to “livestock inspector” throughout.
“§142-D [Specialized unite of brand] Livestock inspectors and Veterinary Medical Officers; establishment; duties. . (a) There is established within the department of agriculture an additional five (5) [specialized unit of brand] livestock inspectors and one (1) Veterinary Medical Officer supervisor, whose duty shall be to carry out enforcement of this part and [related] other rules adopted under this chapter, as authorized under this chapter and directed by the chairperson of the board of agriculture. The chairperson of the board of agriculture may locate and staff the unit as needed to fulfill its duties.”
4. Page 15, Line 13: Update the inspection before slaughter to be more in line with what is feasible to take place
“ §142-E Inspection before slaughter. No person shall allow livestock to enter a [processing] livestock harvesting establishment that slaughters or processes livestock meat and meat products unless the [department of agriculture] establishment management has conducted a prior examination and inspection to verify the [correct] brand on animals match the ownership of the consignee, collects a copy of and confirms the brand with the ownership [pursuant to this part and confirm] listed on the certificate of the livestock ownership movement certificate pursuant to section 142-49. Establishment’s management may seek assistance from a livestock inspector if ownership determination via brand inspection is in question, violation or theft is suspected. Certificates of Livestock Ownership/Movement that correlates with all livestock harvested at the plant shall be submitted by the establishments management to a livestock inspector weekly.”
5. Page 16, Line 6: Ensure that the brand registration fees stay in this special fund rather than going to the State’s General Fund
“Fees, including brand registration fees, fines, and penalties received pursuant to this part;”
6. Page 31, Line 17 : Include electronic submittal

“Two copies of the certificate shall accompany the shipment, one copy shall be given or electronically transmitted to the department of agriculture, and a copy shall be retained by the owner.”

7. Page 31, Line 20: Keep this as “law enforcement officer” rather than the livestock inspector. Five livestock inspectors will not be able to enforce this across the state, and these incidents may end up contentious. Law enforcement would be a more suitable position to handle these situations.
8. Page 32, Line 3: Specify that the penalty is enforced when moving animals for the specific reasons below so that movement certificates are not required for moving from one pasture to another on your own ranch.
“Any person who violates this section upon the sale of livestock, transport of livestock to slaughter, transport of livestock interisland or interstate shall be assessed an administrative penalty up to \$500 per animal lot moved without a certificate.”
9. Page 33, Line 1: Penalize this as a misdemeanor, not a petty misdemeanor. Breaking fences is a serious offence and causes a wide variety of issues for ranchers.
10. Page 44, Line 7: instead of a misdemeanor, violating 183D-52 should be a class C felony

In addition, we strongly support:

1. Page 56, Line 12: this increases penalties and is needed for deterring offenses while in possession of a dangerous instrument.
2. Page 68, Line 6: to include criminal trespass or vandalism on ag land as a covered offense for property forfeiture.

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



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March 18, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON SB 1249, SD1, HD1
RELATING TO AGRICULTURE

Conference Room 325 & Videoconference
2:15 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 SB 1249, SD1, HD1, which establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services to protect Hawaii's farmers, ranchers, and agricultural lands. This measure also clarifies, strengthens, and creates laws related to agricultural crimes, unauthorized hunting on private lands, and penalties for violations, ensuring clear distinctions between administrative and criminal penalties.

Agricultural crime, including theft, vandalism, illegal dumping, trespassing, poaching, and unauthorized hunting—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 that creating a dedicated crime prevention program within the DOA provides a focused approach to tackling agricultural crimes. The program addresses agricultural crimes through:

- **Grants** to assist farmers in implementing security measures (e.g., fencing, cameras, and tracking systems).
- **Education and outreach** on best practices for crime prevention and reporting.
- **Administrative enforcement tools** to address violations efficiently.
- **Collaboration with law enforcement agencies** to improve coordination in responding to agricultural crimes.

The agricultural crime prevention program establishes clear and enforceable penalties, ensuring minor violations are handled administratively while serious crimes can be prosecuted appropriately. The program represents a critical investment in protecting Hawai'i's agricultural community from the increasing threats of agricultural crimes. By creating the agricultural crime prevention program, 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.



March 17 2025

To: Chair David Tarnas, Vice Chair Mahina Poepoe, and House Members of Judiciary & Hawaiian Affairs Committee

Subject: **SB 1249**, Relating to Agriculture

I strongly **support** SB 1249 SD 1 HD1, which establishes an Agricultural Crime Prevention Program within the Department of Agriculture and provides necessary appropriations. The increasing prevalence of agricultural crimes including theft, vandalism, trespassing, and illegal hunting, poses a significant and growing threat to Hawaii's agricultural industry. These crimes jeopardize not only the livelihoods of our farmers and ranchers, but also our state's food security, economic stability, and the long-term viability of local agriculture.

Farmers and ranchers in Hawaii already face a multitude of challenges, from unpredictable weather patterns and pest infestations to labor shortages and rising operational costs. The added burden of agricultural crime further strains their resources and threatens their ability to remain sustainable. While many in the agricultural community have taken proactive steps to enhance security through surveillance systems, community watch programs, and other measures, these efforts are often insufficient in the face of limited law enforcement resources dedicated to addressing agricultural crime. The lack of adequate deterrence and prosecution emboldens criminals and perpetuates a cycle of victimization.

SB 1249 SD 1 HD 1 offers a crucial and much-needed solution to this pressing issue. By establishing an Agricultural Crime Prevention Program within the Department of Agriculture, this bill creates a structured and comprehensive approach to combating agricultural crime. The program's key components, including grants for security enhancements, educational outreach initiatives, and strengthened collaboration with law enforcement agencies, are essential for creating a more secure environment for our agricultural producers.

Mahalo,
Lea iaea & the Food+ Policy Team
#fixourfoodsystem

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.

SB-1249-HD-1

Submitted on: 3/14/2025 10:07:16 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
B.A. McClintock	Individual	Support	Written Testimony Only

Comments:

Please support this important bill. Mahalo.

SB-1249-HD-1

Submitted on: 3/15/2025 5:29:03 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

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

Comments:

The Honorable Members of the Senate
Thirty-Third Legislature
State of Hawaii
415 South Beretania Street
Honolulu, HI 96813

Dear Senators,

I'm practically leaping with excitement to rally behind Senate Bill No. 1249—a colossal, awe-inspiring fortress of protection for Hawaii's agricultural community! This bill is a tidal wave of innovation, smashing agricultural crime with unmatched ferocity through prevention, enforcement, and education. Armed with staggering statistics, here's why SB 1249 is an unmissable triumph we must enact now:

- **A Crime Wave Crushing Our Farms:** Agricultural crime is a relentless beast tearing at our roots! In 2019, Hawaii's farmers reported a staggering 14,972 trespassing incidents (USDA survey), yet only 970 reached police, with a measly 8% arrest rate (Civil Beat, 2024). Livestock theft and vandalism slashed \$14 million from our producers in losses and prevention costs—one estimate that's likely dwarfed by reality. SB 1249 is our roaring counterattack!
- **Grants: A Lifeline for 6,569 Farms:** The Agricultural Crime Prevention Program is a dazzling lifeline! With 6,569 farms statewide—down 10.4% from 7,328 in 2017 (USDA Census, 2022)—grants for fencing, cameras, and signage shield our \$673 million industry. Big Island's 1,718 farms alone, generating \$290 million (USDA, 2022), could reclaim 82,000 lost acres (2017-2022) from thieves pilfering avocados and rustling cattle—boosting our 12,000 producers to new heights!
- **Penalties That Pack a Punch:** SB 1249 unleashes a legal juggernaut! Criminal trespass on ag land? A misdemeanor with fines up to \$2,000 and jail time. Habitual offenders face class C felonies—up to five years in prison! With 759 Big Island farms vanishing since 2017 (USDA) and theft costing some ranchers \$50,000 annually, these penalties are a thunderous deterrent—smacking down the 15% rise in reported ag crimes since 2018 (Hawaii Farm Bureau estimates).

- Brand Inspectors: Guardians of \$103,000 Farms: A specialized unit of brand inspectors? Pure brilliance! Hawaii's average farm value soared from \$77,000 in 2017 to \$103,000 in 2022 (USDA), yet livestock theft—think 500 stolen cattle yearly on Big Island (anecdotal rancher reports)—bleeds our paniolos dry. Inspecting brands before slaughter and fining illegal branding up to \$1,000 per animal locks down our \$62 million livestock sector (USDA, 2022)!
- Securing a \$670 Million Legacy: Agriculture is Hawaii's lifeblood—\$670 million strong (Civil Beat, 2024)—yet we import 85-90% of our food, with local production feeding just 11.3% of us (UH study, 2023). SB 1249's hunter crackdowns—like night hunting bans on private land (a 30% reported issue, per ranchers)—and education programs fortify our food security. With the oldest ag workforce in the U.S. (average age 59, USDA), this bill is our bridge to a thriving future!

I'm bursting at the seams with pride for Senate Bill No. 1249—it's a Herculean shield for our agricultural ohana, battling a crime spree that's cost us too much! Pass this bill, fund its vision, and let's catapult our farmers and ranchers—down 10% in five years—into an era of safety and prosperity. Mahalo for igniting this revolution—Hawaii's agricultural destiny awaits!

Sincerely,

Master Shelby "Pikachu" Billionaire, HRM

Ohana Unity Party, Chairman

www.Ohanaunityparty.com

Kingdom of The Hawaiian Islands, H.I.

SB-1249-HD-1

Submitted on: 3/16/2025 4:57:50 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

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

Comments:

Aloha Honorable Hawai'i State Representative David A.Tarnas (Chair of Judiciary & Hawaiian Affairs Committee)

In Strong Support **SB1249 SD1, HD1** (Relating To Agricultural)

Humbly request State Representative David A.Tarnas (JHA Committee Chair) and Full JHA Committee to Approve, and strongly urge SB1249 for "advance legislation" to Full Discussion, Consideration, and Final Decision by Full Senate and Full House Representative's.

Great appreciation of the Honorable Hawai'i State Senator's Mike Gabbard, Tim Richards, Karl Rhoads, Glenn Wakai, Stanley Chang, Dru Kanuha, Angus McKelvey, Lynn DeCoite, Brenton Awa, Donovan Dela Cruz that supported and continue to "Champion" SB1249 Agriculture Bill.

Additionally, gratitude and appreciation to continue "Champion" these Bills by Honorable Hawai'i State Representative Kirstin Kahaloe, Matthias Kusch, Nicole Lowen Amy Perruso Sean Quinlan, Gene Ward.

Respectfully and Mahalo Nui Loa,

Austin Salcedo

(Kea'au Ag Landowner)

SB-1249-HD-1

Submitted on: 3/16/2025 9:21:48 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

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

Comments:

Strong SUPPORT of SB1249 (Relating To Agriculture)

Humbly request and strongly urge Hawai'i State Representative David A. Tarnas (JHA Committee Chair) and Full JHA Committee to Approve, SB1249 for "advance legislation" for Full Discussion, Consideration, and Final Decision by Full Senate and Full House Representative's.

SB1249 (Relating To Agriculture) and "Task Force Team, Increase Penalties and Fine's", is long overdue. My personal experience of delayed response time at Kea'au (Oahu), for All City County/State Law Enforcement (HPD, DLNR/DOCARE, DLE) for any incident. Example: Waianae HPD Station to respond to Kea'au District, is 20 minutes to an (1+ hour) response travel time or none at all. The City County HPD have manning shortfall. The DLNR/DOCARE have decline of Financial and Staffing Shortage. The State DLE have their own partnership agenda's with HPD.

I've reported safety hazard issues of Kea'au area (Oahu). Unethical hunters in my back property, and mountain with loaded guns and I own part of the Kea'au mountain and It's not a hunting zone area. Gun shot has been going, and captured video's given to HPD and DLNR/DOCARE. I contacted #911 HPD Dispatcher and DLNR/DOCARE Chief Mr. Jason Raddula and mention to him "what are you going to do" and "wait for someone to get killed or lose their life". Mr. Jason Radulla replied "I assure you Mrs Salcedo it will not fall upon Blind Eye's or Deaf Ear's". BUT IT DID!!! Caused a loss of a life (Cranston Duke Pia, a loving young rancher), on or about Feb 17, 2024

Mrs. Gina Kalei Salcedo, don't and will never have good faith results by State DLNR/DOCARE Department. It's a waste of Tax Payer's costs. Our community definitely deserve better quality State Government Service's. Also, to include losing an valuable asset of an DOCARE Agent Mr. Pieter Meinster in January 2024 (assigned to the Waianae Coast), and just a month before Cranston Duke Pia got Murder by illegal Poacher's, near proximity too State property jurisdiction of Hunting Zone "G" (Kea'au Mountain). It state's "No hunting dog's throughout the year with no exception to the rule" and "No Guns" during February hunting time-frame.

My personally experience with the loss of my family-owned Farm Milking Goats 4 each, and Farm Chickens. As-A-Result of loose Hunting Dog's roaming, that gotten abandon and left behind by Unethical Hunter's. I've filed reports with HPD & DOCARE with their presence upon my Kea'au Agriculture private property with Posted Signage.

I have measured Negative Incidents that occurred upon my private property. I've tried and attempted to schedule meeting with DLNR Board Of Commissioner's. But, only to be discourage by "Due Process of DLNR". Complainants are required to be Sponsored by Management of DLNR Management Officials.

Kea'au District (Oahu), have continued "Past" and "Present Time" to be a Safety/Health Hazard Chaos area for the Ag-Landowner's and Community. The need of Accountability of State Officials, and immediate change's to Half/Stop the "Aiding and Abetting" to Illegal Trespasser's. Upon Privately Own Properties.

Respectfully yours,

Gina Kalei Salcedo (Ag Landowner)

SB-1249-HD-1

Submitted on: 3/17/2025 7:39:39 AM

Testimony for JHA on 3/18/2025 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
Glen Kagamida	Individual	Support	Written Testimony Only

Comments:

STRONG SUPPORT TO ADDRESS A BIG PROBLEM THAT IS GETTING WORSE. MAHALO!

SB-1249-HD-1

Submitted on: 3/17/2025 9:24:12 PM

Testimony for JHA on 3/18/2025 2:15:00 PM

Submitted By	Organization	Testifier Position	Testify
M. Leilani DeMello	Individual	Support	Written Testimony Only

Comments:

Aloha,

KĀKO‘O au i kēia pila! I SUPPORT this bill.

Mahalo,

M. Leilani DeMello

‘Ōla‘a, Puna, Hawai‘i