

JOSH GREEN, M.D.
GOVERNOR

SYLVIA LUKE
LIEUTENANT GOVERNOR

LUIS P. SALAVERIA
DIRECTOR

SABRINA NASIR
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF BUDGET AND FINANCE
Ka 'Oihana Mālama Mo'ohelu a Kālā
P.O. BOX 150
HONOLULU, HAWAII 96810-0150

EMPLOYEES' RETIREMENT SYSTEM
HAWAII EMPLOYER-UNION HEALTH BENEFITS TRUST FUND
OFFICE OF THE PUBLIC DEFENDER

ADMINISTRATIVE AND RESEARCH OFFICE
BUDGET, PROGRAM PLANNING AND MANAGEMENT DIVISION
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 FINANCE
ON
SENATE BILL NO. 1249, S.D. 1, H.D. 2

March 28, 2025
3:30 p.m.
Room 308 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. 2, 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 livestock inspectors and a veterinary medical officer supervisor within DOA for brand inspection and enforcement and enumerate the powers of the livestock inspectors; 7) require the inspection and verification of livestock by an establishment's management prior to slaughter; 8) establish the Brand Inspection Special Fund to be

used for the implementation and administration of the livestock inspectors and veterinary medical officers established for brand inspection and enforcement; 9) allow for the electronic transmittal of livestock ownership and movement certifications to DOA; and 10) amend the general duties and powers of DOA to include brand inspection and enforcement. The bill further amends various sections of Chapters 142, 145, 146, 159, 183D, 706, 708, and 712, HRS, to: 11) add criminal trespass on agricultural lands as an offense against property rights; and 12) 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. 2, it is difficult to determine whether the proposed special funds would be self-sustaining.

Thank you for your consideration of our comments.

JOSH GREEN, M.D.
Governor

SYLVIA LUKE
Lt. Governor



SHARON HURD
Chairperson, Board of Agriculture

DEAN M. MATSUKAWA
Deputy to the Chairperson

State of Hawai'i
DEPARTMENT OF AGRICULTURE
KA 'OIHANA MAHI'AI
1428 South King Street
Honolulu, Hawai'i 96814-2512
Phone: (808) 973-9600 FAX: (808) 973-9613

TESTIMONY OF SHARON HURD
CHAIRPERSON, BOARD OF AGRICULTURE

BEFORE THE HOUSE COMMITTEE ON FINANCE

FRIDAY, MARCH 28, 2025
3:30 PM
CONFERENCE ROOM 308

SENATE BILL NO. 1249, SENATE DRAFT 1, HOUSE DRAFT 2
RELATING TO AGRICULTURE

Chair Yamashita, Vice Chair Takenouchi and Members of the Committee:

Thank you for the opportunity to testify on Senate Bill 1249, House Draft 2 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, agricultural lands and hunting on private agricultural lands, establishes clear distinctions between administrative and criminal penalties, and appropriates funds.

The Department supports SB 1249, HD2 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 law enforcement 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 14 to page 10, line 15), 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 Global Positioning System/Radio Frequency Identification 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) thereby making it broadly applicable to agriculture and not limited to livestock. The personnel positions provided in the bill are primarily livestock-focused - livestock inspectors and a livestock inspector supervisor (page 71, lines 6-9). 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.

PUBLIC DEFENDER

ASSISTANT PUBLIC DEFENDER

DEFENDER COUNCIL
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

HONOLULU OFFICE
1130 NORTH NIMITZ HIGHWAY
SUITE A-254
HONOLULU, HAWAII 96817

APPELLATE DIVISION
TEL. No. (808) 586-2080

DISTRICT COURT DIVISION
TEL. No. (808) 586-2100

FAMILY COURT DIVISION
TEL. No. (808) 586-2300

FELONY DIVISION
TEL. No. (808) 586-2200

FACSIMILE
(808) 586-2222



STATE OF HAWAII
OFFICE OF THE PUBLIC DEFENDER

March 27, 2025

HILO OFFICE
275 PONAHAHAWI STREET
SUITE 201
HILO, HAWAII 96720
TEL. No. (808) 974-4571
FAX No. (808) 974-4574

KONA OFFICE
75-1000 HENRY STREET
SUITE #209
KAILUA-KONA HI 96740
TEL. No. (808) 327-4650
FAX No. (808) 327-4651

KAUA'I OFFICE
3060 EIWA STREET
SUITE 206
LIHUE, HAWAII 96766
TEL. No. (808) 241-7128
FAX No. (808) 274-3422

MAUI OFFICE
81 N. MARKET STREET
WAILUKU, HAWAII 96793
TEL. No. (808) 984-5018
FAX No. (808) 984-5022

SB1249 SD1 HD2: RELATING TO AGRICULTURE

Chair Yamashita, Vice-Chair Takenouchi, and Members of the Committee on Finance:

The Office of the Public Defender (OPD) **opposes SB1249 SD1 HD2** for the following reasons.

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

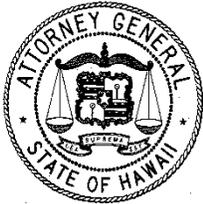
Part III, Section 3 of the bill creates the offense of habitual agricultural crime, HRS § 142-B. The trend in recent years has been to decriminalize offenses and move toward alternatives to incarceration. The various criminal offenses created under the bill range from petty misdemeanors to felony offenses. 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?

Thank you for the opportunity to comment on this measure.



**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. 2, RELATING TO AGRICULTURE.

BEFORE THE:

HOUSE COMMITTEE ON FINANCE

DATE: Friday, March 28, 2025

TIME: 3:30 p.m.

LOCATION: State Capitol, Room 308

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

Chair Yamashita and Members of the Committee:

The Department of the Attorney General (Department) provides the following comments in support of this bill, with the exception of section 26 of the bill, which the Department recommends deleting. 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.

CRIMINAL SENTENCING PROVISIONS

Habitual agricultural crime

The Department strongly recommends deleting section 26 of the bill (page 38, lines 1-18), to adequately address the "grave risk" agricultural crimes pose to

agriculture. (page 1, lines 12-16). Instead of establishing enhanced sentencing for habitual agricultural crime (section 142-B, HRS; page 13, line 9, to page 14, line 4), such as the provisions for habitual property crime (see section 708-803(5), HRS), or sentencing provisions consistent with other class C offenses (see section 706-660(1), HRS), section 26 would establish habitual agricultural crime as the first "non-drug offense" exception to Hawaii's uniform class C felony sentencing. It would allow sentencing for habitual agricultural crime offenders under section 706-660(2), HRS, which applies only to certain low-level drug offenses, thereby enabling a **more lenient sentence than any other class C felony not involving drug possession**.

The lenient sentencing provisions afforded to drug offenders under section 706-660(2), HRS, are consistent with the numerous opportunities for rehabilitation, recovery, and vindication, typically provided to drug offenders suffering from substance abuse, whose recurring drug offenses may span years.¹ Extending this leniency to habitual agricultural crime offenders is inconsistent with the bill's purpose.

Even if section 26 is deleted, we note that the proposed section 142-B(c), HRS (page 14, lines 3-4), would still allow convicted habitual agricultural crime offenders to be sentenced to probation without any term of imprisonment. If the Committee wishes to establish stringent penalties, similar to the existing offense of habitual property crime (section 708-803), the Department recommends including specific sentencing

¹ In addition to usual opportunities for case dismissal and expungement (such as "deferred acceptance of guilty or nolo contendere plea," pursuant to section 853-1, HRS), individuals who commit drug possession offenses may also receive:

- "Conditional discharge" pursuant to section 712-1255, HRS, which allows a person without any prior drug convictions to be sentenced to probation, after which the person's case is then dismissed without a conviction and can later be expunged.
- "Sentencing for (first- or second-time) drug offenders," pursuant to section 706-622.5, HRS, which allows non-violent offenders who come back on subsequent drug possession charges to be sentenced to probation while pursuing substance abuse treatment, after which these convictions may be expunged.
- Alternative programs such as Drug Court, which provide additional chances for treatment, and can also result in the person's case being dismissed without a conviction.

provisions from prior drafts of the bill. See, e.g., section 142-B(d), HRS, in House Draft 1 (page 13, line 19, through page 14, line 7)).

Hunting on agricultural lands

While Section 26 does not expressly add section 183D-26 (hunting on private lands prohibited) or 183D-27 (night hunting on private lands prohibited) to the list of offenses eligible for lenient sentencing under section 706-660(2), the sentencing provision on page 49, lines 13-14, would implement a similar form of lenient sentencing, which deviates from the usual high-end sentencing provisions applicable to class C felonies under section 706-660(1). This, too, would be inconsistent with the serious issues posed by unauthorized hunting on agricultural lands (see page 2, lines 1-12).

If the Committee wishes to impose penalties that reflect the seriousness of unlawful hunting on agricultural lands, which are at least consistent with the high-end sentencing for class C felonies, we recommend amending section 183D-5(d)(1)(A) on page 49, lines 13-14 (section 36), to read:

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

If graduated sentencing is desired, subsequent offenses could then be sentenced without an option for probation, by amending section 183D-5(d)(2) on page 49, lines 20-21, to read:

. . . section, an indeterminate term of imprisonment of five years with a mandatory minimum term of imprisonment of no less than one year;

Prior conviction

To improve clarity in section 142-12(a)(1), HRS (section 11), we recommend the following amendments on page 25, line 10 (underscoring removed from new material in bill, to Ramseyer additional changes): ". . . not preceded within a five-year period by a conviction for an offense . . ." Time periods for subsequent offenses are typically measured from the date of conviction, as it can take months (or in some cases years, depending on bench warrants, pre-trial litigation, etc.) to determine—based on conviction—that a defendant committed a particular offense.

Maximum jail for misdemeanor and petty misdemeanor

Under section 701-107(3) and (4), and section 706-663, HRS, maximum jail terms for petty misdemeanor and misdemeanor offenses are already established—thirty days and one year, respectively. Explicitly restating maximum terms is not necessary. However, if the Committee chooses to include them, the Department recommends the following clarifying amendments to section 142-12, HRS (section 11):

- Page 25, lines 12-14: ". . . imprisonment of [~~not more than one year,~~] no less than three consecutive days and no more than thirty days, or both[~~;~~];"
- Page 25, lines 18-21: ". . . imprisonment of [~~not more than one year,~~] no less than ten days and no more than thirty days, or both[~~;~~]; and . . . "
- Page 26, lines 18-20: ". . . imprisonment of [~~not more than five years,~~] no less than five consecutive days and no more than one year, or both . . . "
- Page 27, lines 5-7: " imprisonment of [~~not more than five years,~~] no less than thirty days and no more than one year, or both . . . "

Similar wording is used in a few statutes in the Penal Code (e.g., section 707-712.6(2), HRS) and other criminal statutes outside of the Penal Code, such as section 291E-61(b)(1)(D)(ii) or (b)(2)(D)(ii), HRS.

OTHER CHANGES

To ensure that the criminal fines imposed from the new offense of criminal trespass on agricultural land, created under chapter 708 (page 55, line 15, to page 60, line 8), are diverted from the general fund to the Agricultural Crime Prevention Special Fund (page 4, line 14, to page 5, line 14), and thereby accomplish the purpose of this bill, the Department recommends amending section 706-643(2), HRS, as follows:

(2) All fines and other final payments received by a clerk or other officer of a court shall be accounted for, with the names of persons making payment, and the amount and date thereof, being recorded. All such funds shall be deposited with the director of finance to the credit of the general fund of the State. With respect to fines and bail forfeitures that are proceeds of the wildlife revolving fund under section 183D-10.5; fines that are proceeds of the drug and alcohol toxicology testing laboratory special fund under sections 291E-61(b)(2)(E), 291E-61.5(c)(2)(C), and

291E-62(c); ~~[and]~~ fines that are proceeds of the compliance resolution fund under sections 26-9(o) and 431:2-410[.]; and fines that are proceeds of the agricultural crime prevention special fund under section 708- , the director of finance shall transmit the fines and forfeitures to the respective funds.

To preserve these amendments beyond the repeal and reenactment of section 706-643(2) on June 30, 2028, we recommend adding the following proviso to the effective date section (section 50, on page 72, line 1):

"; provided that the amendments made to section 706-643(2), Hawaii Revised Statutes, by section of this Act shall not be repealed when that section is reenacted on June 30, 2028, pursuant to section 11 of Act 196, Session Laws of Hawaii 2021, as amended by section 8(2) of Act 148, Session Laws of Hawaii 2023.

In addition, on page 33, lines 18-19, we recommend deleting the term, "law enforcement officer" and replacing it with the term, "brand inspector" or "livestock inspector," depending on which position the bill ultimately creates. The document search established under section 142-49, HRS, appears to be administrative in nature, as law enforcement officers typically need reasonable suspicion, probable cause (e.g., search warrant), or other legal bases to request anyone's documents.

On page 34, lines 1-3, we recommend deleting the phrase, "upon the sale of livestock, transport of livestock to slaughter, or transport of livestock interisland or interstate" to avoid limiting the applicability of the penalty provisions under section 142-49(b), HRS (page 34, lines 1-5) to just those instances of sale or transportation of livestock. This phrase, "upon the sale of livestock, transport of livestock to slaughter, or transport of livestock interisland or interstate" appears to be more limited than section 142-49(a), HRS, which applies to all "sale or transportation of livestock."

Finally, we recommend the following edits on page 12, line 21, and on page 13, lines 1-2: "administrative fines, fees, ~~[or]~~ costs, or damages.

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



Hawaii Cattlemen's Council, Inc.

COMMITTEE ON FINANCE
Rep. Kyle T. Yamashita, Chair
Rep. Jenna Takenouchi, Vice Chair

SB1249 SD1 HD2
RELATING TO AGRICULTURE

Friday, March 28, 2025, 3:30 PM
Conference Room 308 & Videoconference

Chair Yamashita, Vice Chair Takenouchi and members of the committee,

The Hawaii Cattlemen's Council **supports SB1249 SD1 HD2** 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 thank the House Committee on Judiciary and Hawaiian and Affairs for incorporating the suggested amendments to this bill. We support this bill with this new language.



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

SB-1249-HD-2

Submitted on: 3/26/2025 2:44:04 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Lani Petrie	Kapapala Ranch	Support	Written Testimony Only

Comments:

I support.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 28, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON FINANCE

TESTIMONY ON SB 1249, SD1, HD2
RELATING TO AGRICULTURE

Conference Room 308 & Videoconference
3:30 PM

Aloha Chair Yamashita, Vice-Chair Takenouchi, 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, HD2, 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.

SB-1249-HD-2

Submitted on: 3/27/2025 6:27:27 AM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Alan Gottlieb	Ponoholo Ranch	Support	Written Testimony Only

Comments:

Please support SB 1249 SD1 HD2



March 27 2025

To: Chair Kyle Yamashita, Vice Chair Jenna Takenouchi, and House Members of Finance

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

I strongly **support** SB 1249 SD 1 HD2, 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 2 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-2

Submitted on: 3/26/2025 11:32:51 AM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

Subject: A Resounding Anthem for S.B. No. 1249 – Fortify Duke’s Law with Ironclad Data to Immortalize a Hero!

Dear Esteemed Members of the Hawaii House of Representatives Finance Committee: Honorable Representative Kyle T. Yamashita (Chair), Distinguished Representative Lisa Kitagawa (Vice Chair), Revered Representatives Daniel Holt, Scott Y. Nishimoto, Amy A. Perruso, Elijah Pierick, David A. Tarnas, Gene Ward, Justin H. Woodson, Trish La Chica, Sam Kong, Jackson D. Sayama, Gregg Takayama, Jenna Takenouchi, and Adrian K. Tam,

Aloha, noble stewards of Hawaii’s fiscal legacy! On this Wednesday, March 28, 2025, at 3:30PM HST, I stand before you with a heart ablaze and a voice that thunders across our emerald isles—Senate Bill No. 1249, christened "Duke's Law" in eternal homage to the valiant Cranston "Duke" Pia, is a clarion call to shield our farmers and ranchers. This is no mere legislation; it is a symphony of justice, a monument to a fallen hero, and a fortress for the ohana who sustain us. Armed with compelling data and the dynamic leadership of Mike Lambert, the new Department of Labor and Employment (DOLE) head, I passionately implore you to deliver a resounding YES and infuse this bill with amendments that will crush agricultural crime and engrave Duke’s legacy in steel!

Duke Pia Cranston’s tragic end in 2024—struck down by reckless underage hunters with high-powered rifles, alien trespassers, and gang-driven chaos—ignited this bill in a crucible of sorrow and determination. The stakes are dire: the Honolulu Civil Beat (Dec 5, 2024) reveals that agricultural theft costs Hawaii farmers \$30 million annually, with 1 in 3 reporting livestock losses in 2023 alone. The 2022 USDA Census of Agriculture underscores the crisis—Hawaii lost 82,000 acres of farmland between 2017 and 2022, a 12% drop, exacerbated by unchecked crime. Meanwhile, the Hawaii Department of the Attorney General’s 2021 Uniform Crime Report logs 41,355 Index Crimes statewide, a 7.4% spike, with rural areas like Duke’s hit hardest. S.B. No. 1249’s agricultural crime prevention program—grants, education, and enforcement—is a bold overture. Let us amplify it into a triumphant crescendo with data-backed might!

A Masterpiece of Might to Amplify Duke’s Law:

1. Penalties That Resound with Authority: With \$30 million in annual losses (Civil Beat), tepid fines won’t suffice. Amend the bill to scale punishment to the crime’s toll:

- Petty Pilfering (e.g., crops under \$100): Raise fines to \$500 minimum, 10 days jail—curb the 15,000+ property crimes reported in 2021!
 - Mid-Tier Malfeasance (e.g., livestock theft over \$100): Escalate to \$2,000 fines, 90 days incarceration—match the 1,200 livestock thefts in 2023 (HDOA Estimate)!
 - Grievous Felonies (e.g., armed trespass, habitual crime): Unleash \$10,000 fines, 5 years minimum—target the 3% recidivism spike in rural felonies (AG Report)!
 - Hunting Atrocities (e.g., unlicensed youths with rifles on ag land): Hammer with \$15,000 fines, 7 years jail, lifetime ban—avenge Duke and the 300+ annual hunting violations (DLNR 2024)!
2. A Spotlight on the Rogue Ensemble: Pinpoint the culprits with precision:
 - Alien Intruders: \$5,000 fines, deportation—tackle the 10% rise in trespass incidents linked to non-residents (HPD 2023)!
 - Gang Marauders: \$20,000 fines per member, 10 years jail—smash the 15 organized crime rings targeting rural Oahu (Civil Beat, Jan 2025)!
 - Youthful Rifle Renegades: \$10,000 fines, 5 years juvenile detention, parental liability—halt the 25% surge in youth firearm offenses (AG Report)!
 3. Empower with HRS 703-304 – Stand Your Ground: Affirm farmers’ rights under Hawaii’s Stand Your Ground law. Amend Section 40: “Agricultural landowners may employ reasonable force, per HRS 703-304, to protect their property and lives.” With 68% of farmers reporting trespass in 2023 (HDOA Survey), and 29 states boasting such laws (West Hawaii Today, Feb 19, 2025), this is a lifeline for Duke’s brethren!

Synergy with Mike Lambert, DOLE, DLNR, and 911:

Mike Lambert, DOLE’s new visionary, steps into a \$30 million crisis with a mandate to act. Pairing with the Department of Land and Natural Resources (DLNR)—managing 1 million acres and logging 1,500 invasive species cases in 2024 (DLNR Progress Report)—and 911, which handled 48,000 rural emergency calls in 2023 (Honolulu EMS), Lambert can deploy labor teams for rapid-response ag crime units. DOLE could train 200 workers annually, DLNR bolster its 50-officer enforcement team, and 911 cut response times from 12 to 8 minutes in rural zones. Funded by fines—potentially \$50 million from escalated penalties—this alliance will slash losses, fortifying farms with cameras, fences, and fierce resolve!

To Chair Yamashita and Vice Chair Kitagawa, with Reverence to All:

You hold destiny’s baton! Duke’s ohana and the 6,000+ farm families (USDA 2022) implore your YES. The Civil Beat laments enforcement gaps—your vote can bridge them. Envision: “Hawaii’s Finance Luminaries Forge Duke Pia Cranston’s Legacy with a Data-Driven Bastion!” Representatives Holt, Nishimoto, Perruso, Pierick, Tarnas, Ward, Woodson, La Chica, Kong, Sayama, Takayama, Takenouchi, and Tam—your chorus can make this resound!

"In life, you die twice. Once physically, and second when people forget you. Don’t let Duke’s life die in vain—honor his legacy. The power is yours!" Let S.B. No. 1249 be his eternal encore, a testament that his sacrifice endures.

Mahalo nui loa for your unwavering dedication. Ignite Duke's torch with these amendments—let it blaze for generations. I stand ready to join you—proclaim #justiceforDuke with unyielding splendor!

With Profound Aloha and Resolute Dedication,

Master Shelby "Pikachu" Billionaire, HRM

Ohana Unity Party, Chairman

www.Ohanaunityparty.com

Kingdom of The Hawaiian Islands, H.I.

SB-1249-HD-2

Submitted on: 3/26/2025 2:09:17 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Theresa M Thompson	Individual	Support	Written Testimony Only

Comments:

I support SB 1249 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.

Mahalo,

Theresa Thompson

SB-1249-HD-2

Submitted on: 3/26/2025 2:47:58 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Keith Unger	Individual	Support	Written Testimony Only

Comments:

I support SB 1249

SB-1249-HD-2

Submitted on: 3/26/2025 4:36:56 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

I support SB1249 and support Hawaii Cattlemen's Council testimony

SB-1249-HD-2

Submitted on: 3/26/2025 4:41:32 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Jimmy Greenwell	Individual	Support	Written Testimony Only

Comments:

I concur with the testimony of the Hawaii Cattlemen's Council in support of this bill

SB-1249-HD-2

Submitted on: 3/26/2025 8:13:08 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

Aloha Honorable Hawai'i State Representative Kyle T. Yamashita (Chair of Finance Committee) In Strong Support SB1249 SD1, HD2 "Relating To Agricultural (Duke's Law)"

Humbly request Honorable State Representative Kyle T. Yamashita (Chair of Finance Committee) and "Full Finance 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"Relating To Agricultural (Duke's Law)".

Additionally, great gratitude and appreciation to continue "Champion" these Bills by Honorable Hawai'i State Representative David A. Tarnas, Mahina Poepoe, Kirstin Kahaloa, Matthias Kusch, Nicole Lowen Amy Perruso Sean Quinlan, Gene Ward.

Respectfully and Mahalo Nui Loa,

Austin Salcedo (Kea'au Ag Landowner)

SB-1249-HD-2

Submitted on: 3/26/2025 8:25:32 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Aileen K . F. Yeh	Individual	Support	Written Testimony Only

Comments:

I am very much in support of SB1249.

Agriculture has always been an easy target for Ag theft and vandalism. Lately, it seems worse and more prevalent. At our ranch, perpetrators are always armed, and usually have dogs. They leave their boot prints and dog prints. They are also very bold and destructive, and want to cause trouble for the landowners. They leave gates open, cut fences, pull down gates, and make a lot of work for the ranchers .

As ranchers, we are always affected by trespassers. It used to be that we would see them in the distance and they would run off into the forest. Now, we never know if we will see them. And they do not run. We only see the damage that they do to our fences, gates, and In the past 2 months, three times I have found that gates are left open, or closed, allowing livestock get out.

Currently, agricultural crimes is not getting the dedicated attention it needs. Reporting of crimes is low, successful prosecution is limited, and criminals have no reason to be deterred from committing the crimes.

Without the threat of a penalty, There needs to be a protocol to report crimes and for the police officers to take us seriously. And effective ways to prosecute these trespass and vandalism crimes. It seems the hunter/trespassers do not care and have no fear that anything will happen to them . Concerns I have is if fences or gates or damaged or opened and animals go out, they could get hit by cars on the highway . If I am faced with an armed person on my property, what is the recommended response? These areas are quite isolated, and difficult for the police to get to. It also does not seem to be a priority to the police.

SB-1249-HD-2

Submitted on: 3/26/2025 8:31:53 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

Strong SUPPORT of SB1249 (Relating To Agriculture)

Aloha Honorable Hawai'i State Representative Kyle T. Yamashita (Chair of Finance Committee) In Strong Support SB1249 SD1, HD2 "Relating To Agricultural (Duke's Law)"

Humbly request Honorable State Representative Kyle T. Yamashita (Chair of Finance Committee) and "Full Finance 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.

I fully support SB1249 (Relating To Agriculture) "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 over 450 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, and Juvenile 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 ongoing, 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

"I" 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.

The 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)

Respectfully yours,

Gina Kalei Salcedo (Ag Landowner)

SB-1249-HD-2

Submitted on: 3/26/2025 8:57:49 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Garner Shimizu	Individual	Support	Written Testimony Only

Comments:

I am on the JHA House committee that recently passed SB1249, and I strongly support this bill that can help prevent a tragic death like Duke's! Please pass SB1249 "Duke's Law" so his death will not be in vain. Mahalo and blessings, Representative Garner Shimizu

SB-1249-HD-2

Submitted on: 3/27/2025 6:21:36 AM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

I Strongly Support SB1249.

SB-1249-HD-2

Submitted on: 3/27/2025 7:33:04 AM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

STRONG SUPPORT and long overdue to help local farmers. Mahalo!

SB-1249-HD-2

Submitted on: 3/27/2025 9:56:25 AM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Justin Yeh	Individual	Support	Written Testimony Only

Comments:

I am in support of ag crime reduction

Glad to see that HPD is finally getting serious about helping farmers and ranchers.

SB-1249-HD-2

Submitted on: 3/28/2025 1:01:39 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

Submitted By	Organization	Testifier Position	Testify
Bud & Katy Gibson	Individual	Support	Written Testimony Only

Comments:

We stand in support of SB1249

Bud and Katy Gibson

SB-1249-HD-2

Submitted on: 3/28/2025 1:12:55 PM

Testimony for FIN on 3/28/2025 3:30:00 PM

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

Comments:

Aloha my name is Racquel Achiu, rancher in the Waialua Moku in support of SB1249. Please help our Ag Industry, Ranchers & Farmers ability to progress in the ability to secure their spaces & operations. Please give us **STRONG & EFFECTIVE** recourse to address the constant threat of crime against us, our properties and production. It is incredibly frustrating to invest so much, physically, financially and mentally to our operations and have to recourse when it is a ripped from us. I fear that we have reached a breaking point - with no support and no strong/effective enforcement - we are left to roll the dice and protect ourselves, our ohana, our properties. Please pass SB1249 and get us on our way to having the support we need to secure our futures and continue to provide true food security and sustainability for our ohana and communities.
MAHALO