STAND. COM. REP. NO. 2497

Honolulu, Hawaii

MAR 0 1 2012

RE: S.B. No. 2354 S.D. 1

Honorable Shan S. Tsutsui President of the Senate Twenty-Sixth State Legislature Regular Session of 2012 State of Hawaii

Sir:

Your Committee on Judiciary and Labor, to which was referred S.B. No. 2354 entitled:

"A BILL FOR AN ACT RELATING TO AGRICULTURAL COMMODITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish criminal penalties for failure to maintain a certification of ownership or other written proof of ownership of agricultural commodities.

Your Committee received testimony in support of this measure from the Hawaii Farm Bureau Federation and the Hawaii Farmers Union United. The Department of Agriculture submitted comments.

Your Committee finds that agricultural theft is a serious problem for many farmers in the State and existing laws are not stringent enough to stop potential thieves. This measure may serve as a greater deterrent of agricultural theft by making the failure to maintain certificates of ownership or other written proof of ownership of agricultural commodities a criminal offense.

Your Committee has amended this measure by:

(1) Strengthening existing law to require that the certificate required to be completed upon each sale transaction of an agricultural commodity also include the amount and value of the commodity; seller's name, address, telephone number, and license plate number of

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any vehicle used to deliver the commodity; farm owner's name and address of origin; buyer's or consignee's name; seller's signature; and buyer's or consignee's signature;

- (2) Making theft of agricultural commodities marketed for commercial purposes and for which a person has failed to maintain a certificate of ownership an offense of theft in the second degree;
- (3) Establishing failure to retain the required certificate of ownership while in possession of agricultural commodities as prima facie evidence of theft in the second degree;
- (4) Inserting an effective date of July 1, 2050, to ensure further discussion; and
- (5) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2354, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2354, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary and Labor.

CLAYTON HEE, Chair

## The Senate Twenty-Sixth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary and Labor JDL

Bill / Resolution No.:*	Committee	_	Dat	e: /	
5B2354	AGL	JDL	•	2/23	3/12
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is:					
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313					
Members		Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)					
SHIMABUKURO, Maile (VC)					
GABBARD, Mike		_			
IHARA, Jr., Les				:	
SLOM, Sam					
	-				
		2.80			
		·	1		
	-			·	
TOTAL		4			
Recommendation:  Adopted  Not Adopted					
Chair's or Designee's Signature:					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

<sup>\*</sup>Only one measure per Record of Votes