

JAN 24 2018

A BILL FOR AN ACT

RELATING TO AGRICULTURAL THEFT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that thefts of
2 agricultural products have plagued not only the commercial
3 agricultural business, but residents as well. Many agricultural
4 products produced on residential properties are sold at farmer's
5 markets or roadside stands, or given as gifts.

6 The legislature further finds that the department of
7 agriculture has contracted the prosecuting attorney's office of
8 the county of Hawaii to investigate numerous calls and emails
9 from residents on thefts of agricultural products being grown on
10 their properties, but such cases are difficult to effectively
11 prosecute. A recent case involved the theft of avocados from a
12 residential property which were intended to be given as gifts.
13 At the preliminary hearing, the court determined that the
14 avocados needed to be maintained by a commercial agricultural
15 enterprise or research agency while owned by the enterprise or
16 agency in order for it to be considered theft of an agricultural
17 product.



1 The purpose of this Act is to clarify and strengthen the
2 existing law to allow for the protection of agricultural
3 products raised or produced by all people in the State.

4 SECTION 2. Section 708-800, Hawaii Revised Statutes, is
5 amended by amending the definition of "agricultural equipment,
6 supplies, or products" to read as follows:

7 "Agricultural equipment, supplies, or products" mean any
8 agricultural equipment, supplies, or ~~[commercial]~~ agricultural
9 products ~~[or commodities raised, grown, or maintained by a~~
10 ~~commercial agricultural enterprise or research agency while~~
11 ~~owned by the enterprise or agency.]~~, including fruits, nuts, and
12 vegetables that are the food product of any tree, vine, or plant
13 or any horticultural, silvicultural, or floricultural product."

14 SECTION 3. Section 708-831, Hawaii Revised Statutes, is
15 amended by amending subsection (1) to read as follows:

16 "(1) A person commits the offense of theft in the second
17 degree if the person commits theft:

18 (a) Of property from the person of another;

19 (b) Of property or services the value of which exceeds

20 \$750;



1 (c) Of an aquacultural product or part thereof from
2 premises that are fenced or enclosed in a manner
3 designed to exclude intruders or there is prominently
4 displayed on the premises a sign or signs sufficient
5 to give notice and reading as follows: "Private
6 Property", "No Trespassing", or a substantially
7 similar message;

8 (d) Of agricultural equipment, supplies, or products, or
9 part thereof, the value of which exceeds \$100 but does
10 not exceed \$20,000, or of agricultural products that
11 exceed twenty-five pounds, from premises that are
12 fenced, enclosed, or secured in a manner designed to
13 exclude intruders or there is prominently displayed on
14 the premises a sign or signs sufficient to give notice
15 and reading as follows: "Private Property", "No
16 Trespassing", or a substantially similar message; or
17 if at the point of entry of the premise, a crop is
18 visible[. ~~The sign or signs, containing letters not~~
19 ~~less than two inches in height, shall be placed along~~
20 ~~the boundary line of the land in a manner and in such~~
21 ~~a position as to be clearly noticeable from outside~~



~~the boundary line. Possession of agricultural products without ownership and movement certificates, when a certificate is required pursuant to chapter 145, is prima facie evidence that the products are or have been stolen]; or~~

(e) Of agricultural commodities that are generally known to be marketed for commercial purposes. Possession of agricultural commodities without ownership and movement certificates, when a certificate is required pursuant to section 145-22, is prima facie evidence that the products are or have been stolen; provided that "agriculture commodities" has the same meaning as in section 145-21."

SECTION 4. This Act does not affect rights and duties that matured, penalties that were incurred, and proceedings that were begun before its effective date.

SECTION 5. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.

SECTION 6. This Act shall take effect upon its approval.

INTRODUCED BY:

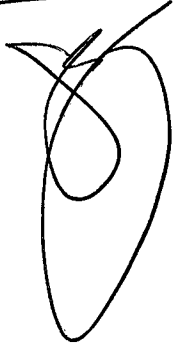
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S.B. NO. 3033

T.S.O.O. J.

Elvira



Clarence S. Sisk





S.B. NO. 3033

Report Title:

Agricultural Theft; Agricultural Equipment, Supplies, or Products; Definition

Description:

Amends the definition of agricultural equipment, supplies, or products. Strengthens property right protections for persons who produce agricultural products on private residential property.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

