STAND. COM. REP. NO. 2616

Honolulu, Hawaii

MAR 0 2 2018

RE: S.B. No. 3033

S.D. 1

Honorable Ronald D. Kouchi President of the Senate Twenty-Ninth State Legislature Regular Session of 2018 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 3033 entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to clarify and strengthen the existing agricultural theft law to allow for the protection of agricultural products raised or produced by all people in the State.

Your Committee received testimony in support of this measure from the Department of Agriculture; Office of the Prosecuting Attorney, County of Hawaii; Hawaii County Councilmember Eileen O'Hara; Ulupono Initiative; David S. De Luz, Sr. Enterprises, Inc.; Oahu County Committee on Legislative Priorities of the Democratic Party of Hawai'i; and one individual. Your Committee received comments on this measure from the Hawai'i Farm Bureau.

Your Committee finds that agricultural theft and vandalism are serious and ongoing problems, with farmers and residents reporting theft of crops, animals, equipment, and tools, and vandalized fences and gates. Your Committee further finds that the courts have limited the crime of agricultural theft by interpreting that the crime only includes theft of products maintained by a commercial agricultural enterprise or research agency while owned by the enterprise or agency, which leaves

residents who grow agricultural products for their own consumption, to be given as gifts, or to be sold at local markets without full legal recourse options if they are the victims of theft. This measure corrects the existing loophole in the law to ensure thieves are prosecuted.

Your Committee has amended this measure by:

- (1) Inserting an effective date of July 1, 2035, to encourage further discussion; and
- (2) 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 that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 3033, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 3033, S.D. 1.

Respectfully submitted on behalf of the members of the Committee on Judiciary,

BRIAN T. TANIGUCHI, Chair

## The Senate Twenty-Ninth Legislature State of Hawaiʻi

## Record of Votes Committee on Judiciary JDC

Bill / Resolution No.:* Co	Committee Referral:		Date:	
SB 3033 A	AEN, JDC		2/27/2018	
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	Аує	e Aye (W	'R) Nay	Excused
TANIGUCHI, Brian T. (C)	V			
RHOADS, Karl (VC)				
GABBARD, Mike	V			
KIM, Donna Mercado	~	/		
THIELEN, Laura H.				
		·		
TOTAL	5	0	0	0
Recommendation:  Adopted  Not Adopted				ed
Chair's or Designee's Signature:				
Distribution: Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Age		oldenrod ittee File Copy

\*Only one measure per Record of Votes