
A BILL FOR AN ACT

RELATING TO CRIMES ON AGRICULTURAL LANDS.

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

1 SECTION 1. Chapter 708, Hawaii Revised Statutes, is
2 amended by adding a new section to part I to be appropriately
3 designated and to read as follows:

4 "§708- Extended terms of imprisonment for offenses
5 committed on agricultural lands. (1) The court shall sentence
6 a person convicted of an offense under part II, III, or IV of
7 this chapter that is committed while on agricultural land to an
8 extended term of imprisonment.

9 (2) The extended term of imprisonment shall have a maximum
10 length of imprisonment as follows:

11 (a) For a class B felony--indeterminate twenty-year term
12 of imprisonment;

13 (b) For a class C felony--indeterminate ten-year term of
14 imprisonment;

15 (c) For a misdemeanor--indeterminate two-year term of
16 imprisonment; and



1 (d) For a petty misdemeanor--indeterminate sixty days of
2 imprisonment.

3 (3) There shall be a rebuttable presumption that an
4 unauthorized person on agricultural land has committed an
5 offense under part II, III, or IV of this chapter when on
6 agricultural land.

7 (4) As used in this section, "agricultural land" means any
8 acreage of land used primarily for a farming operation, as
9 defined in section 165-2; provided that the term shall include
10 land used for farm buildings and dwellings and roads and
11 irrigation infrastructure associated with the agricultural
12 land."

13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun before its effective date.

16 SECTION 3. New statutory material is underscored.

17 SECTION 4. This Act shall take effect on May 6, 2137.



S.B. NO. 219
S.D. 2
H.D. 1

Report Title:

Agricultural Lands; Crimes; Extended Terms of Imprisonment

Description:

Imposes extended terms of imprisonment for certain offenses against property rights committed when on agricultural land. Creates a rebuttable presumption. Effective 5/6/2137. (HD1)

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