STAND. COM. REP. NO. 1076

Honolulu, Hawaii

MAR 19

, 2021

RE: S.B. No. 219

S.D. 2 H.D. 1

Honorable Scott K. Saiki Speaker, House of Representatives Thirty-First State Legislature Regular Session of 2021 State of Hawaii

Sir:

Your Committee on Agriculture, to which was referred S.B. No. 219, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO CRIMES ON AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose of this measure is to impose extended terms of imprisonment and mandatory minimum terms of imprisonment for certain offenses against property rights committed while negligently on agricultural land.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawai'i Farm Bureau; Hawaii Cattlemen's Council, Inc.; Ulupono Initiative; and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that agricultural crime persists in Hawaii despite various efforts to combat the problem. This measure imposes extended terms of imprisonment and mandatory minimum terms of imprisonment in an attempt to deter potential offenders. However, your Committee discussed the concern that the mandatory minimum terms of imprisonment may not serve as a sufficient deterrent to the types of crimes subject to this measure.

Accordingly, your Committee has amended this measure by:

- (1) Removing the mandatory minimum terms of imprisonment proposed in this measure;
- (2) Removing the requirement that a person be negligently on agricultural land in order to be subject to this measure and instead creating a rebuttable presumption that the person has committed an offense against property rights when on agricultural land; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Agriculture that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 219, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 219, S.D. 2, H.D. 1, and be referred to your Committee on Judiciary & Hawaiian Affairs.

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

MARK J. HASHEM. Chair

State of Hawaii House of Representatives The Thirty-first Legislature #\$c2 1076

Record of Votes of the Committee on Agriculture

Bill/Resolution No.:	Committee Referral: AGR, JHA, FID		Date: 3/17/21	
☐ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)				
AGR Members	Ayes	Ayes (WR)	Nays	Excused
1. HASHEM, Mark J. (C)				
2. PERRUSO, Amy A. (VC)		I BANKAN MA		
3. LOWEN, Nicole E.		,		
4. MARTEN, Lisa	V			
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5. MATAYOSHI, Scot Z.				Market Control
6. TODD, Chris	V			
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7. TOKIOKA, James Kunane	V			Access out the second second second
		BENEVICE STATE	SEE BOOK STATE	
8. MATSUMOTO, Lauren	V V			
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TOTAL (8)	8			
The recommendation is: Adopted If joint referral, did not support recommendation. Committee acronym(s)				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				