

JAN 22 2021

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 parts II, III, or IV of
7 this chapter that is committed on agricultural land to an
8 extended term of imprisonment if the person knew or reasonably
9 should have known that the crime was committed on agricultural
10 land.

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

13 (a) For a class B felony--indeterminate twenty-year term
14 of imprisonment;

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



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1 (c) For a misdemeanor--indeterminate two-year term of
2 imprisonment; and

3 (d) For a petty misdemeanor--indeterminate sixty days of
4 imprisonment.

5 (3) Notwithstanding section 706-669, the mandatory minimum
6 term of imprisonment for an extended term sentence under
7 subsection (1) shall be without the possibility of parole as
8 follows:

9 (a) For a class B felony--three years, four months;

10 (b) For a class C felony--one year, eight months;

11 (c) For a misdemeanor--sixty days; and

12 (d) For a petty misdemeanor--five days.

13 (4) For the purposes of this section:

14 "Agricultural lands" means any acreage of land used
15 primarily for a farming operation, as defined in section 165-2;
16 provided that the term shall include land used for farm
17 buildings and dwellings and roads and irrigation infrastructure
18 associated with the agricultural land."

19 SECTION 2. This Act does not affect rights and duties that
20 matured, penalties that were incurred, and proceedings that were
21 begun before its effective date.



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1 SECTION 3. New statutory material is underscored.

2 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

Lawrence



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Report Title:

Agricultural Lands; Crimes; Extended Terms of Imprisonment

Description:

Imposes extended terms of imprisonment for certain offenses against property rights committed on agricultural lands.

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

