

Honolulu, Hawaii

APR 03 2024RE: S.R. No. 138
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committees on Agriculture and Environment and Judiciary,
to which was referred S.R. No. 138 entitled:

"SENATE RESOLUTION URGING THE DEPARTMENT OF AGRICULTURE TO
ESTABLISH A TWO-YEAR AGRICULTURAL CRIME PILOT PROJECT TO
EXAMINE AND ASSESS THE EFFECTIVENESS OF PROSECUTING
AGRICULTURAL CRIME CASES, INCLUDING THOSE OF AGRICULTURAL
THEFT AND AGRICULTURAL VANDALISM, IN THE STATE,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Urge the Department of Agriculture to establish a two-year Agricultural Crime Pilot Project to examine and assess the effectiveness of prosecuting agricultural crime cases, including those of agricultural theft and agricultural vandalism, in the State; and
- (2) Request the Department of Agriculture to:
 - (A) Examine and assess the effectiveness of prosecuting agricultural crimes;
 - (B) Coordinate with the Department of Law Enforcement and each of the four counties to hire enforcement officers for each county;



- (C) Assess the implementation of the pilot project, including the pilot project's effectiveness, to determine whether to continue, make permanent, or end the pilot project;
- (D) Submit an interim report to the Legislature before the Regular Session of 2025; and
- (E) Submit a final report to the Legislature before the Regular Session of 2026.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Law Enforcement; Hawaii Cattlemen's Council, Inc.; Hawai'i Farm Bureau; Kapapala Ranch; and two individuals.

Your Committees find that greater protections are needed for farmers and ranchers in the State. Your Committees recognize that agricultural crimes, including agricultural theft, vandalism, and trespass, increase the costs of production and decrease the chances for local farming and ranching operations to succeed. Your Committees note that the Legislature passed Act 217, Session Laws of Hawaii 2019, which established a two-year Agricultural Theft and Vandalism Pilot Program to examine the effectiveness of prosecuting agricultural theft and vandalism cases in the counties of Hawaii and Maui, including cases of theft and vandalism that affect individuals who are not full-time farmers or ranchers. The requested actions in this measure seek to decrease agricultural crimes and provide resources to suppress incidences and losses to farmers, ranchers, aquaculturists, and floriculturists in the State.

Your Committees further note that a joint informational briefing was held earlier this legislative session to address the safety issues faced by farmers and ranchers in relation to agriculture-related crimes by identifying the root of these issues, addressing previous roadblocks, and identifying potential solutions. Amendments to this measure are therefore necessary to incorporate proposed solutions from this informational briefing.

Accordingly, your Committees have amended this measure by:



- (1) Specifying that trespass is a category of agricultural crime;
- (2) Inserting language that requests the Department of Agriculture to:
 - (A) Create a Crimestoppers Anonymous phone line specifically for individuals who wish to report an agricultural crime but do not wish to be named;
 - (B) Create a more comprehensive, accessible online form that makes it easier for farmers and ranchers to report agricultural crimes; and
 - (C) Coordinate with the Department of Law Enforcement to form an Agricultural Crime Task Force; provided that an interpreter be a part of the Task Force through the Department of Agriculture that can represent farmers who may speak languages other than English;
- (3) Amending its title to reflect its amended purpose; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

Your Committees also note that other states, including Montana and Texas, have established Agricultural and Livestock Commissions and further find that the establishment of an Agricultural and Livestock Commission in the State would augment and enhance current law enforcement efforts on agricultural crimes. Your Committees additionally find that the establishment of an Agricultural and Livestock Commission modeled after those in other states will allow for coordination and sharing of information between state and federal agencies, ensure that policy initiatives pertaining to the livestock and agricultural sectors are adequately represented and enforced, and allow for a separate, dedicated branch of the Department of Law Enforcement to conduct professional law enforcement investigations to solve and prevent livestock and agriculture-related criminal activities in the State. As such, your Committees respectfully request that the Department of Agriculture or other appropriate agency establish an



Agricultural and Livestock Commission to be part of the conversation in regards to agricultural crimes.

As affirmed by the records of votes of the members of your Committees on Agriculture and Environment and Judiciary that are attached to this report, your Committees concur with the intent and purpose of S.R. No. 138, as amended herein, and recommend its adoption in the form attached hereto as S.R. No. 138, S.D. 1.

Respectfully submitted on behalf of the members of the Committees on Agriculture and Environment and Judiciary,



KARL RHOADS, Chair




MIKE GABBARD, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture and Environment
AEN

Bill / Resolution No.:*	Committee Referral:	Date:		
SR 138	AEN/JDC	4/1/2024		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
GABBARD, Mike (C)	X			
RICHARDS, III, Herbert M. "Tim" (VC)	X			
DECOITE, Lynn	X			
RHOADS, Karl	X			
AWA, Brenton	X			
TOTAL	5	0	0	0
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink Goldenrod				
File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes

The Senate
Thirty-Second Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:
GR 138	AEN / JDC	04 / 01 / 24

The Committee is reconsidering its previous decision on this measure.
If so, then the previous decision was to: _____

The Recommendation is:

Pass, unamended 2312
 Pass, with amendments 2311
 Hold 2310
 Recommit 2313

Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.				✓
AWA, Brenton	✓			
TOTAL	4	0	0	1

Recommendation: Adopted Not Adopted

Chair's or Designee's Signature: *Karl Rhoads*

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