
A BILL FOR AN ACT

RELATING TO AGRICULTURAL CRIMES.

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

1 PART I

2 SECTION 1. The legislature finds that in 2019, the United
3 States Department of Agriculture recorded a total estimated loss
4 of \$14.4 million nationwide from theft and vandalism within the
5 agricultural sector. Trespass and the theft of farm equipment,
6 agricultural products, commodities, livestock and cattle, and
7 other related resources, in addition to illegal hunting and
8 poaching, are some of the traditionally reported crimes in the
9 agricultural sector. However, recent reports of violent crimes
10 and fatal shootings on agricultural land on Oahu's leeward coast
11 have highlighted the severity of the challenges facing the State
12 in how to effectively mitigate and prevent agricultural crimes.

13 The legislature additionally finds that the State lacks a
14 dedicated law enforcement unit designed and equipped to address
15 the unique and specific types of crimes that occur within the
16 agricultural sector. Often, these crimes occur in rural and
17 geographically isolated locations, making it challenging to



1 timely respond to and adequately address reports of the crimes.
2 Moreover, it can be burdensome, if not impossible, for large
3 tracts of land, farms, and ranches to implement traditional
4 crime deterrence methods, such as adequate lighting and fencing,
5 alarm systems, surveillance, and private security or increased
6 police presence. Low police staffing and watch strength in
7 rural locations can exacerbate already existing limitations in
8 security measures for farmers and add to the vulnerability of
9 these agricultural properties.

10 The legislature recognizes that, while agricultural lands
11 are protected by many of the State's laws establishing certain
12 crimes, limited resources make it difficult to respond to these
13 crimes effectively. Further, due to these limited resources,
14 traditional enforcement efforts tend to prioritize more high-
15 profile violent crimes, resulting in a low prosecution rate for
16 agricultural crimes. This is evidenced by the fact that
17 agricultural crimes are typically included in general crime
18 statistics reported by various law enforcement agencies, which
19 often makes it challenging to gather important data pertinent
20 specifically to agricultural crimes. Despite statistics that



1 have been made available through self-reporting, prosecution
2 rates for agricultural crimes remain low.

3 The legislature further finds that certain counties in
4 California with large agricultural-based economies have had
5 success in implementing crime prevention programs to address the
6 issues related to agricultural crimes through targeted
7 enforcement and prevention strategies, including the utilization
8 of a centralized database to track incidents of agricultural
9 crime, analyze trends, and share intelligence among agencies to
10 enable a swift response to emerging threats. These programs
11 have also contributed to efforts in advocating for legislative
12 changes to strengthen agricultural laws and penalties and
13 shaping policies that reflect the importance of protecting the
14 agricultural industry.

15 It is therefore the legislature's intent to establish a
16 similar program through the creation of the Hawaii agricultural
17 crimes council to help the State address resource limitations
18 and enforcement capabilities, enhance data collection, identify
19 and mitigate criminality, provide education and awareness, and
20 restore public trust in law enforcement to adequately prosecute
21 agricultural crimes.



1 § -1 **Definitions.** In this chapter, unless the context
2 otherwise requires:

3 "Council" means the Hawaii agricultural crimes council.

4 "Department" means the department of agriculture.

5 § -2 **Hawaii agricultural crimes council; establishment;**
6 **composition; executive director.** (a) There is established the
7 Hawaii agricultural crimes council for the special purpose of
8 developing agricultural crime prevention, problem solving, and
9 crime control recommendations and implementing related programs
10 to encourage timely reporting of agricultural crimes and to
11 evaluate the results of these activities.

12 (b) The council shall be placed within the department for
13 administrative purposes only and shall comprise:

14 (1) The chairperson of the board of agriculture, or the
15 chairperson's designee;

16 (2) The attorney general, or the attorney general's
17 designee;

18 (3) The prosecuting attorney of each county, or each
19 prosecuting attorney's designee;

20 (4) The director of law enforcement, or the director's
21 designee;



1 (5) The chief of police of each county, or each chief's
2 designee;

3 (6) individuals with experience as an agricultural
4 producer in the State, to be appointed by the governor
5 without regard to section 26-34;

6 (7) individuals who represent environmental
7 organizations, to be appointed by the governor without
8 regard to section 26-34; and

9 (8) individuals who serve as community
10 representatives, to be appointed by the governor
11 without regard to section 26-34.

12 (c) Members appointed by the governor pursuant to
13 subsection (b) (6), (7), and (8) shall serve for four-year terms.
14 The council shall select a chairperson from among its members.
15 The members shall serve without compensation but shall be
16 reimbursed for expenses, including travel expenses, necessary
17 for the performance of their duties.

18 (d) The council shall appoint, exempt from chapters 76 and
19 84, an executive director, who shall serve at the pleasure of
20 the council. The executive director shall oversee the



1 operations and strategic planning of the council and coordinate
2 with stakeholders in the State's agricultural community.

3 **§ -3 Hawaii agricultural crimes council; duties.** (a)

4 The Hawaii agricultural crimes council shall provide policy
5 level direction, coordination, and planning among appropriate
6 state and county departments to provide for the protection and
7 safety of the State's agricultural industry by creating
8 statewide standards and methods of detecting and tracking
9 agricultural crimes; provided that the council may investigate
10 and enforce violations of agricultural crimes by appointing and
11 commissioning investigators pursuant to section -4.

12 (b) The council shall develop an agricultural crime
13 prevention program that includes a system for reporting
14 agricultural crimes that enables the swift recovery of stolen
15 goods and the apprehension of criminal suspects for prosecution.
16 The council may develop computer software and use communication
17 technology to implement the reporting system; provided that the
18 council shall not be limited to the use of these means to
19 achieve its goals.

20 (c) The council shall develop a uniform procedure for all
21 counties to collect data on agricultural crimes. The council



1 shall also establish a central database for the collection and
2 maintenance of data on agricultural crimes. The counties shall
3 collect data on agricultural crimes and adopt ordinances for the
4 implementation and administration of this section.

5 (d) The council shall examine existing state laws
6 concerning agricultural crimes and consider proposed legislation
7 to strengthen laws and penalties.

8 (e) The council shall create a public awareness campaign
9 for agricultural producers to promote education concerning:

- 10 (1) How to report agricultural crimes and the importance
11 of reporting all crimes;
12 (2) Laws specific to agricultural crimes;
13 (3) Good business practices; and
14 (4) Crime prevention.

15 (f) The council shall make recommendations and provide
16 training to county law enforcement agencies to promote awareness
17 of specific agricultural crime laws, including:

- 18 (1) How to understand agricultural crime victims;
19 (2) Appointing designated points of contacts within county
20 law enforcement agencies to handle reports of
21 agricultural crimes; and



1 (3) The establishment of a task force to educate
2 agricultural producers and consumers about
3 agricultural crimes, crime prevention for agricultural
4 producers, and how to conduct follow up investigations
5 on reports of agricultural crime.

6 (g) The council may consult with experts from the United
7 States military, state department of defense, United States
8 Department of Justice, other law enforcement agencies, and
9 various other state and private organizations as deemed
10 necessary to maximize the effectiveness of the council.

11 (h) The council shall ensure necessary funding for
12 agricultural crime suppression programs.

13 (i) The council may solicit media and community support to
14 promote its programs.

15 (j) The council shall meet not less than times
16 annually to discuss and assess progress and recommended changes
17 to its programs based on the results of its assessments and
18 other relevant data. Notwithstanding any law to the contrary:

19 (1) A simple majority of the members of the council shall
20 constitute a quorum to do business; and



1 (2) Any action taken by the council shall be by a simple
2 majority of the members.

3 (k) The council may adopt rules pursuant to chapter 91 to
4 effectuate this chapter.

5 (1) The council shall submit annual reports to the
6 legislature, no later than twenty days prior to the convening of
7 each regular session, detailing:

8 (1) The progress of its duties as established in this
9 chapter;

10 (2) Recommended initiatives and strategies, as well as a
11 plan for implementation; and

12 (3) Any recommendations or proposed legislation.

13 § -4 **Agricultural crimes control; investigators; powers;**

14 **duties.** The council shall appoint and commission one or more
15 investigators as required to investigate agricultural crimes.

16 Persons appointed and commissioned under this section may
17 exercise all the powers and authority of a law enforcement
18 officer or of a deputy sheriff; provided that the persons so
19 appointed and commissioned shall not carry any firearms.

20 Investigators appointed under this section shall focus their
21 efforts on agricultural crimes and work with the counties as



1 partners to address and prevent agricultural crime on a state
2 and local basis."

3 SECTION 3. Section 141-1, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "**§141-1 Duties in general.** The department of agriculture
6 shall:

7 (1) Gather, compile, and tabulate, from time to time,
8 information and statistics concerning:

9 (A) Entomology and plant pathology: Insects, scales,
10 blights, and diseases injurious or liable to
11 become injurious to trees, plants, or other
12 vegetation, and the ways and means of
13 exterminating pests and diseases already in the
14 State and preventing the introduction of pests
15 and diseases not yet in the State; and

16 (B) General agriculture: Fruits, fibres, and useful
17 or ornamental plants and their introduction,
18 development, care, and manufacture or
19 exportation, with a view to introducing,
20 establishing, and fostering new and valuable
21 plants and industries;



- 1 (2) Encourage and cooperate with the agricultural
2 extension service and agricultural experiment station
3 of the University of Hawaii and all private persons
4 and organizations doing work of an experimental or
5 educational character coming within the scope of the
6 subject matter of chapters 141, 142, and 144 to 150A,
7 and avoid, as far as practicable, duplicating the work
8 of those persons and organizations;
- 9 (3) Enter into contracts, cooperative agreements, or other
10 transactions with any person, agency, or organization,
11 public or private, as may be necessary in the conduct
12 of the department's business and on any terms the
13 department may deem appropriate; provided that the
14 department shall not obligate any funds of the State,
15 except the funds that have been appropriated to the
16 department. Pursuant to cooperative agreement with
17 any authorized federal agency, employees of the
18 cooperative agency may be designated to carry out, on
19 behalf of the State the same as department personnel,
20 specific duties and responsibilities under chapters
21 141, 142, and 150A, and rules adopted pursuant to



- 1 those chapters, for the effective prosecution of pest
2 control and animal disease control and the regulation
3 of import into the State and intrastate movement of
4 regulated articles;
- 5 (4) Secure copies of the laws of other states,
6 territories, and countries, and other publications
7 germane to the subject matters of chapters 141, 142,
8 and 144 to 150A, and make laws and publications
9 available for public information and consultation;
- 10 (5) Provide buildings, grounds, apparatus, and
11 appurtenances necessary for the examination,
12 quarantine, inspection, and fumigation provided for by
13 chapters 141, 142, and 144 to 150A; for the obtaining,
14 propagation, study, and distribution of beneficial
15 insects, growths, and antidotes for the eradication of
16 insects, blights, scales, or diseases injurious to
17 vegetation of value and for the destruction of
18 injurious vegetation; and for carrying out any other
19 purposes of chapters 141, 142, and 144 to 150A;
- 20 (6) Formulate and recommend to the governor and
21 legislature additional legislation necessary or



1 desirable for carrying out the purposes of chapters
2 141, 142, and 144 to 150A;

3 (7) Publish at the end of each year a report of the
4 expenditures and proceedings of the department and of
5 the results achieved by the department, together with
6 other matters germane to chapters 141, 142, and 144 to
7 150A and that the department may deem proper;

8 (8) Administer a program of agricultural planning and
9 development, including the formulation and
10 implementation of general and special plans, including
11 but not limited to the functional plan for
12 agriculture; administer the planning, development, and
13 management of the agricultural park program; plan,
14 construct, operate, and maintain the state irrigation
15 water systems; plan, design, construct, operate,
16 manage, maintain, repair, demolish, and remove
17 infrastructure or improvements on any lands under the
18 jurisdiction of the department; review, interpret, and
19 make recommendations with respect to public policies
20 and actions relating to agricultural land and water
21 use; assist in research, evaluation, development,



1 enhancement, and expansion of local agricultural
 2 industries; and serve as liaison with other public
 3 agencies and private organizations for the above
 4 purposes. In the foregoing, the department shall act
 5 to conserve and protect agricultural lands and
 6 irrigation water systems, promote diversified
 7 agriculture, increase agricultural self-sufficiency,
 8 and ensure the availability of agriculturally suitable
 9 lands; [~~and~~]

10 (9) Manage, administer, and exercise control over any
 11 public lands, as defined under section 171-2, that are
 12 designated important agricultural lands pursuant to
 13 section 205-44.5, including but not limited to
 14 establishing priorities for the leasing of these
 15 public lands within the department's jurisdiction[-];

16 (10) Collaborate with the Hawaii agricultural crimes
 17 council established pursuant to section -2 to
 18 enhance the investigation, prevention, and prosecution
 19 of agricultural-related crimes by:

20 (A) Sharing relevant information and data related to
 21 agricultural crimes, such as theft, fraud, animal



- 1 cruelty, environmental violations, and other
2 offenses that impact agriculture in the State;
- 3 (B) Providing technical assistance and expertise in
4 identifying and responding to emerging threats
5 and criminal activities that affect the
6 agricultural industry, and fostering
7 intergovernmental relationships between
8 departments and agencies that are tasked with
9 regulating and enforcing agricultural laws in the
10 State;
- 11 (C) Assisting in the development of policies,
12 strategies, and educational programs that raise
13 awareness of agricultural crimes and prevent
14 illegal activities in the agricultural industry;
- 15 (D) Designating a liaison within the department to
16 serve as the primary point of contact for the
17 Hawaii agricultural crimes council and coordinate
18 joint efforts between the department and the
19 council;
- 20 (E) Supporting joint task forces or initiatives that
21 focus on high priority agricultural crime issues



- 1 and cases, as directed by the Hawaii agricultural
2 crimes council; and
3 (F) Providing resources and funding to facilitate the
4 operations of the Hawaii agricultural crimes
5 council that strengthen statewide agricultural
6 crimes enforcement efforts, as appropriate;
7 (11) Partner with other state and federal agencies, law
8 enforcement, and stakeholders to address agricultural
9 crimes and ensure that a full range of resources and
10 expertise is available to protect Hawaii's
11 agricultural industry; and
12 (12) Periodically report to the governor and the
13 legislature on the progress and outcomes of the
14 department's collaboration with the Hawaii
15 agricultural crimes council, including any proposed
16 legislation or policy recommendations."

PART II

18 SECTION 4. Chapter 353C, Hawaii Revised Statutes, is
19 amended by adding a new section to be appropriately designated
20 and to read as follows:



- 1 "§353C- Agricultural enforcement special fund;
2 established. (a) There is established in the state treasury
3 the agricultural enforcement special fund to be administered by
4 the department.
- 5 (b) The following shall be deposited into the agricultural
6 enforcement special fund:
- 7 (1) Grants, awards, donations, gifts, transfers, or moneys
8 derived from public or private sources for the
9 purposes of enforcing offenses that involve the theft
10 of an agricultural product or commodity, or any other
11 matters as determined by the director;
- 12 (2) Fees, reimbursements, administrative charges, and
13 penalties collected for activities related to the
14 enforcement of laws and rules applicable to protecting
15 agricultural products or commodities, except as
16 otherwise provided by any law that requires deposit of
17 these moneys into other special funds administered by
18 the department of agriculture;
- 19 (3) Moneys derived from any interest, dividends, or other
20 income from the sources in paragraphs (1) to (2);



1 (4) Moneys, revenue, and fines received and processed by
2 the Hawaii agricultural crimes council; and

3 (5) Appropriations by the legislature.

4 (c) The agricultural enforcement special fund shall be
5 used to cover costs of the Hawaii agricultural crimes council
6 and for expenditures relating to the agricultural enforcement
7 program established pursuant to Act , Session Laws of Hawaii
8 2025, including:

9 (1) Training;

10 (2) Research;

11 (3) Equipment;

12 (4) Preparation and dissemination of information to the
13 public;

14 (5) Data collection and development;

15 (6) Information technology;

16 (7) Safety;

17 (8) Wireless communication;

18 (9) Management;

19 (10) Travel;

20 (11) Equipment rental;

21 (12) Repairs;



- 1 (13) Planning;
- 2 (14) Information;
- 3 (15) Education;
- 4 (16) Operations;
- 5 (17) Maintenance functions authorized and deemed necessary
6 by the board of agriculture;
- 7 (18) Funding for consultants or contractual hires related
8 to the enforcement of laws and rules applicable to the
9 offense of theft of an agricultural product or
10 commodity, or any other matters as determined by the
11 board of agriculture; and
- 12 (19) Work performed in cooperation with enforcement
13 authorities of the federal, state, or county
14 government.
- 15 (d) The agricultural enforcement special fund shall be
16 held separate and apart from all other moneys, funds, and
17 accounts in the department; provided that any moneys received
18 from the federal government or from private contributions shall
19 be deposited and accounted for in accordance with any conditions
20 established by the department or entity from which the moneys
21 are received. Any balance remaining in the agricultural



1 enforcement special fund at the end of any fiscal year shall be
2 carried forward in the fund for the next fiscal year."

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$ or so
5 much thereof as may be necessary for fiscal year 2025-2026 and
6 the same sum or so much thereof as may be necessary for fiscal
7 year 2026-2027 for the establishment and operation of the Hawaii
8 agricultural crimes council, to be expended as follows:

- 9 (1) \$ to establish full-time equivalent
10 (FTE) executive director position;
- 11 (2) \$ to establish full-time equivalent
12 (FTE) staff assistant position;
- 13 (3) \$ to establish full-time equivalent
14 (FTE) deputy inspector positions; and
- 15 (4) \$ for the establishment of a preliminary
16 operating budget for the Hawaii agricultural crimes
17 council.

18 The sums appropriated shall be expended by the department
19 of agriculture for the purposes of this Act.

20 PART III



1 SECTION 6. If H.B. No. 501 in any form is passed by the
2 legislature during the regular session of 2025 and enacted, the
3 revisor of statutes shall insert the appropriate Act number in
4 section 4 of this Act.

5 SECTION 7. Statutory material to be repealed is bracketed
6 and stricken. New statutory material is underscored.

7 SECTION 8. This Act shall take effect on July 1, 3000.



Report Title:

DOA; Hawaii Agricultural Crimes Council; Establishment;
Agricultural Enforcement Special Fund; Appropriations

Description:

Establishes the Hawaii Agricultural Crimes Council. Expands the duties of the Department of Agriculture to collaborate with and support the Council. Establishes the Agricultural Enforcement Special Fund. Appropriates funds. Effective 7/1/3000. (HD1)

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