
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 \$14,400,000 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 shall be
7 established the Hawaii agricultural crimes council for the
8 special purpose of developing agricultural crime prevention,
9 problem solving, and crime control recommendations and
10 implementing related programs to encourage timely reporting of
11 agricultural crimes and to evaluate the results of these
12 activities.

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

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

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

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



- 1 (4) The director of law enforcement, or the director's
2 designee;
- 3 (5) The chief of police of each county, or each chief's
4 designee;
- 5 (6) individuals with experience as an agricultural
6 producer in the State, to be appointed by the governor
7 without regard to section 26-34;
- 8 (7) individuals who represent environmental
9 organizations, to be appointed by the governor without
10 regard to section 26-34; and
- 11 (8) individuals who serve as community
12 representatives, to be appointed by the governor
13 without regard to section 26-34.
- 14 (c) Members appointed by the governor pursuant to
15 subsection (b) (6), (7), and (8) shall serve for four-year terms.
16 The council shall select a chairperson from among its members.
17 The members shall serve without compensation but shall be
18 reimbursed for expenses, including travel expenses, necessary
19 for the performance of their duties.
- 20 (d) The council shall appoint, exempt from chapters 76 and
21 89, an executive director, who shall serve at the pleasure of



1 the council. The executive director shall oversee the
2 operations and strategic planning of the council and coordinate
3 with stakeholders in the State's agricultural community.

4 **§ -3 Hawaii agricultural crimes council; duties.** (a)

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

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



1 (c) The council shall develop a uniform procedure for all
2 counties to collect data on agricultural crimes. The council
3 shall also establish a central database for the collection and
4 maintenance of data on agricultural crimes. The counties shall
5 collect data on agricultural crimes and adopt ordinances for the
6 implementation and administration of this section.

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

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

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

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

- 20 (1) How to understand agricultural crime victims;



1 (2) Appointing designated points of contacts within county
2 law enforcement agencies to handle reports of
3 agricultural crimes; and

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

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

14 (h) The council shall ensure necessary funding for
15 agricultural crime suppression programs.

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

18 (j) The council shall meet no less than times
19 annually to discuss and assess progress and recommend changes to
20 its programs based on the results of its assessments and other
21 relevant data. Notwithstanding any law to the contrary:



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

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

5 (k) The council may adopt rules pursuant to chapter 91 to
6 effectuate this chapter.

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

10 (1) The progress of its duties as established in this
11 chapter;

12 (2) Recommended initiatives and strategies, as well as a
13 plan for implementation; and

14 (3) Any recommendations or proposed legislation.

15 **§ -4 Agricultural crimes control; investigators; powers;**

16 **duties.** (a) The council shall appoint and commission one or
17 more investigators as required to investigate agricultural
18 crimes. Persons appointed and commissioned under this section
19 may exercise all the powers and authority of a law enforcement
20 officer. In addition to enforcing title 11 and rules adopted
21 thereunder, the investigators may enforce all other state laws



1 and rules, and county ordinances within all lands of the State;
2 provided that such powers shall remain in force and effect only
3 while in the actual performance of their duties, which shall
4 include off-duty employment when such employment is for other
5 state departments or agencies. Investigators appointed under
6 this section shall focus their efforts on agricultural crimes
7 and work with the counties as partners to address and prevent
8 agricultural crime on a state and local basis.

9 (b) An investigator, upon arresting any person for
10 violation of title 11, any rule adopted thereunder, or any other
11 state law or rule, may immediately take the person arrested to a
12 police station or before a district judge, or take the name,
13 address, and the number of the fishing, hunting or other
14 licenses or permits, if any, of the person, and note the
15 violation of the law or rule by the person, and issue the person
16 a summons or citation, printed in the form as described in
17 section 142-30, warning the person to appear and to answer the
18 charge against the person at a certain place and time within
19 thirty days after the arrest.

20 (c) Investigators appointed under subsection (a) shall:

21 (1) Enforce title 11, and rules adopted thereunder;



- 1 (2) Investigate complaints, gather evidence, conduct
- 2 investigations, and conduct field observations and
- 3 inspections as required or assigned;
- 4 (3) Cooperate with enforcement authorities of the State,
- 5 counties, and federal government in development of
- 6 programs and mutual aid agreements for agricultural
- 7 activities within the State;
- 8 (4) Check and verify all leases, permits, and licenses
- 9 issued by the department; and
- 10 (5) Carry out other duties and responsibilities as the
- 11 agricultural crimes council from time to time may
- 12 direct.

13 (d) Every state and county officer charged with the
14 enforcement of laws and ordinances shall assist in the
15 enforcement of title 11 and rules adopted thereunder."

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

18 "**§141-1 Duties in general.** The department of agriculture
19 shall:

- 20 (1) Gather, compile, and tabulate, from time to time,
- 21 information and statistics concerning:



- 1 (A) Entomology and plant pathology: Insects, scales,
2 blights, and diseases injurious or liable to
3 become injurious to trees, plants, or other
4 vegetation, and the ways and means of
5 exterminating pests and diseases already in the
6 State and preventing the introduction of pests
7 and diseases not yet in the State; and
- 8 (B) General agriculture: Fruits, fibres, and useful
9 or ornamental plants and their introduction,
10 development, care, and manufacture or
11 exportation, with a view to introducing,
12 establishing, and fostering new and valuable
13 plants and industries;
- 14 (2) Encourage and cooperate with the agricultural
15 extension service and agricultural experiment station
16 of the [~~University~~] university of Hawaii and all
17 private persons and organizations doing work of an
18 experimental or educational character coming within
19 the scope of the subject matter of chapters 141, 142,
20 and 144 to 150A, and avoid, as far as practicable,



1 duplicating the work of those persons and
2 organizations;

3 (3) Enter into contracts, cooperative agreements, or other
4 transactions with any person, agency, or organization,
5 public or private, as may be necessary in the conduct
6 of the department's business and on any terms the
7 department may deem appropriate; provided that the
8 department shall not obligate any funds of the State,
9 except the funds that have been appropriated to the
10 department. Pursuant to cooperative agreement with
11 any authorized federal agency, employees of the
12 cooperative agency may be designated to carry out, on
13 behalf of the State the same as department personnel,
14 specific duties and responsibilities under chapters
15 141, 142, and 150A, and rules adopted pursuant to
16 those chapters, for the effective prosecution of pest
17 control and animal disease control and the regulation
18 of import into the State and intrastate movement of
19 regulated articles;

20 (4) Secure copies of the laws of other states,
21 territories, and countries, and other publications



1 germane to the subject matters of chapters 141, 142,
2 and 144 to 150A, and make laws and publications
3 available for public information and consultation;
4 (5) Provide buildings, grounds, apparatus, and
5 appurtenances necessary for the examination,
6 quarantine, inspection, and fumigation provided for by
7 chapters 141, 142, and 144 to 150A; for the obtaining,
8 propagation, study, and distribution of beneficial
9 insects, growths, and antidotes for the eradication of
10 insects, blights, scales, or diseases injurious to
11 vegetation of value and for the destruction of
12 injurious vegetation; and for carrying out any other
13 purposes of chapters 141, 142, and 144 to 150A;
14 (6) Formulate and recommend to the governor and
15 legislature additional legislation necessary or
16 desirable for carrying out the purposes of chapters
17 141, 142, and 144 to 150A;
18 (7) Publish at the end of each year a report of the
19 expenditures and proceedings of the department and of
20 the results achieved by the department, together with



1 other matters germane to chapters 141, 142, and 144 to
2 150A and that the department may deem proper;

3 (8) Administer a program of agricultural planning and
4 development, including the formulation and
5 implementation of general and special plans, including
6 but not limited to the functional plan for
7 agriculture; administer the planning, development, and
8 management of the agricultural park program; plan,
9 construct, operate, and maintain the state irrigation
10 water systems; plan, design, construct, operate,
11 manage, maintain, repair, demolish, and remove
12 infrastructure or improvements on any lands under the
13 jurisdiction of the department; review, interpret, and
14 make recommendations with respect to public policies
15 and actions relating to agricultural land and water
16 use; assist in research, evaluation, development,
17 enhancement, and expansion of local agricultural
18 industries; and serve as liaison with other public
19 agencies and private organizations for the above
20 purposes. In the foregoing, the department shall act
21 to conserve and protect agricultural lands and



1 irrigation water systems, promote diversified
2 agriculture, increase agricultural self-sufficiency,
3 and ensure the availability of agriculturally suitable
4 lands; [~~and~~]

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

11 (10) Collaborate with the Hawaii agricultural crimes
12 council established pursuant to section -2 to
13 enhance the investigation, prevention, and prosecution
14 of agricultural-related crimes by:

15 (A) Sharing relevant information and data related to
16 agricultural crimes, such as theft, fraud, animal
17 cruelty, environmental violations, and other
18 offenses that impact agriculture in the State;

19 (B) Providing technical assistance and expertise in
20 identifying and responding to emerging threats
21 and criminal activities that affect the



- 1 agricultural industry, and fostering
2 intergovernmental relationships between
3 departments and agencies that are tasked with
4 regulating and enforcing agricultural laws in the
5 State;
- 6 (C) Assisting in the development of policies,
7 strategies, and educational programs that raise
8 awareness of agricultural crimes and prevent
9 illegal activities in the agricultural industry;
- 10 (D) Designating a liaison within the department to
11 serve as the primary point of contact for the
12 Hawaii agricultural crimes council and coordinate
13 joint efforts between the department and the
14 council;
- 15 (E) Supporting joint task forces or initiatives that
16 focus on high priority agricultural crime issues
17 and cases, as directed by the Hawaii agricultural
18 crimes council; and
- 19 (F) Providing resources and funding to facilitate the
20 operations of the Hawaii agricultural crimes



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

PART II

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

17 "§353C- Agricultural enforcement special fund;
18 established. (a) There shall be established in the state
19 treasury the agricultural enforcement special fund to be
20 administered by the department.



1 (b) The following shall be deposited into the agricultural
2 enforcement special fund:

3 (1) Grants, awards, donations, gifts, transfers, or moneys
4 derived from public or private sources for the
5 purposes of enforcing offenses that involve the theft
6 of an agricultural product or commodity, or any other
7 matters as determined by the director;

8 (2) Fees, reimbursements, administrative charges, and
9 penalties collected for activities related to the
10 enforcement of laws and rules applicable to protecting
11 agricultural products or commodities, except as
12 otherwise provided by any law that requires deposit of
13 these moneys into other special funds administered by
14 the department of agriculture;

15 (3) Moneys derived from any interest, dividends, or other
16 income from the sources in paragraphs (1) and (2);

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

19 (5) Appropriations by the legislature.

20 (c) The agricultural enforcement special fund shall be
21 used to cover costs of the Hawaii agricultural crimes council



1 and for expenditures relating to the agricultural enforcement
2 program established pursuant to Act , Session Laws of Hawaii
3 2025, including:

4 (1) Training;

5 (2) Research;

6 (3) Equipment;

7 (4) Preparation and dissemination of information to the
8 public;

9 (5) Data collection and development;

10 (6) Information technology;

11 (7) Safety;

12 (8) Wireless communication;

13 (9) Management;

14 (10) Travel;

15 (11) Equipment rental;

16 (12) Repairs;

17 (13) Planning;

18 (14) Information;

19 (15) Education;

20 (16) Operations;



1 (17) Maintenance functions authorized and deemed necessary
2 by the board of agriculture;

3 (18) Funding for consultants or contractual hires related
4 to the enforcement of laws and rules applicable to the
5 offense of theft of an agricultural product or
6 commodity, or any other matters as determined by the
7 board of agriculture; and

8 (19) Work performed in cooperation with enforcement
9 authorities of the federal, state, or county
10 government.

11 (d) The agricultural enforcement special fund shall be
12 held separate and apart from all other moneys, funds, and
13 accounts in the department; provided that any moneys received
14 from the federal government or from private contributions shall
15 be deposited and accounted for in accordance with any conditions
16 established by the department or entity from which the moneys
17 are received. Any balance remaining in the agricultural
18 enforcement special fund at the end of any fiscal year shall be
19 carried forward in the fund for the next fiscal year."

20

PART III



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

7 (1) \$ to establish full-time equivalent
 8 (FTE) executive director position;

9 (2) \$ to establish full-time equivalent
 10 (FTE) staff assistant position;

11 (3) \$ to establish full-time equivalent
 12 (FTE) deputy inspector positions; and

13 (4) \$ for the establishment of a preliminary
 14 operating budget for the Hawaii agricultural crimes
 15 council.

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

18 PART IV

19 SECTION 6. If House Bill No. 501 in any form is passed by
 20 the legislature during the regular session of 2025 and enacted,



1 the revisor of statutes shall insert the appropriate Act number
2 in section 4 of this Act.

3 SECTION 7. Statutory material to be repealed is bracketed
4 and stricken. New statutory material is underscored.

5 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. (HD2)

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