

KELDEN B.A. WALTJEN
PROSECUTING ATTORNEY

SHANNON M. KAGAWA
FIRST DEPUTY
PROSECUTING ATTORNEY



655 KILAUEA AVENUE
HILO, HAWAII 96720
PH: (808) 961-0466
FAX: (808) 961-8908

74-675 KEALAKEHE PARKWAY
KAILUA-KONA, HAWAII 96740
PH: (808) 322-2552
FAX: (808) 322-6584

64-1067 MAMALAHOA HIGHWAY, C-3
KAMUELA, HAWAII 96743
PH: (808) 887-3017
FAX: (808) 887-3016

OFFICE OF THE PROSECUTING ATTORNEY

TESTIMONY IN SUPPORT TO SENATE BILL NO. 763 SD2 HD1

**A BILL FOR AN ACT RELATING TO
THE DEPARTMENT OF LAW ENFORCEMENT.**

COMMITTEE ON JUDICIARY AND HAWAIIAN AFFAIRS

Representative David Tarnas, Chair
Representative Mahina Poepoe, Vice Chair

Wednesday, March 19, 2025 at 2:00 p.m.
Via Videoconference
State Capitol Conference Room 325
415 South Beretania Street

Honorable Chair Tarnas, Vice-Chair Poepoe, and Members of the Committees on Agriculture & Food Systems. The County of Hawai'i, Office of the Prosecuting Attorney submits the following testimony in Support to Senate Bill No. 763 SD2 HD1

This bill was created with the goal of establishing an agricultural enforcement program within the department of law enforcement, an agricultural enforcement special fund, and to create positions within the Department of Law Enforcement.

Hawai'i County plays a critical role in the State's agricultural production. Senate Bill No. 763 SD2 HD1 has the potential to enhance the safety and sustainability of our farming and agricultural industry by allowing farmers to focus more on producing high-quality products using sustainable practices, rather than worrying about the security of their agricultural operations.

If signed into law, this legislation would enable the agriculture community to:

1. Safeguard our agricultural industry, which is the bread basket of the State of Hawai'i.
2. Enable our farmers, growers, and ranchers to remain competitive on the global market with Hawai'i-grown products.
3. Hold offenders accountable for actions that undermine food security and hinder economic development for the state.

Agricultural crimes, such as theft, trespassing and vandalism, can severely affect our local farming industry. The addition of specialized law enforcement officers will ensure that farmers can sustain their businesses and contribute to the local economy while restoring and promoting trust in the criminal justice system and serve as a deterrence to those who prey on local agriculture producers.

The County of Hawai‘i, Office of the Prosecuting Attorney is dedicated to pursuing justice with integrity and dedication. Senate Bill No. 763 SD2 HD1 represents a significant step toward addressing the serious food security and economic issues caused by agricultural crimes. For these reasons, the County of Hawai‘i, Office of the Prosecuting Attorney supports the passage of Senate Bill No. 763 SD2 HD1. Thank you for the opportunity to testify on this matter.



P.O. Box 253, Kunia, Hawai'i 96759
Phone: (808) 848-2074; Fax: (808) 848-1921
e-mail info@hfbf.org; www.hfbf.org

March 19, 2025

HEARING BEFORE THE
HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

TESTIMONY ON SB 763, SD2, HD1
RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT

Conference Room 325 & Videoconference
2:00 PM

Aloha Chair Tarnas, Vice-Chair Poepoe, and Members of the Committee:

I am Brian Miyamoto, Executive Director of the Hawai'i Farm Bureau (HFB). Organized since 1948, the HFB is comprised of 1,800 farm family members statewide and serves as Hawai'i's voice of agriculture to protect, advocate, and advance the social, economic, and educational interests of our diverse agricultural community.

The Hawai'i Farm Bureau supports SB 763, SD2, HD1, which establishes the Agricultural Enforcement Program within the Department of Law Enforcement, establishes the Agricultural Enforcement Special Fund, establishes positions, and appropriates funds.

Agricultural crime is a persistent problem facing agriculture. Weather, drought, pests, weeds, disease, unstable markets, transportation, labor issues, and a changing climate all contribute to uncertainty for farmers and ranchers. Few businesses face such challenges, yet we are charged with producing food, feed, fiber, fuel, and flowers for the 99% of non-farmers. Add in the constant threat and impacts of trespass, theft, and vandalism, and it's a wonder farms and ranches remain viable.

Sadly, agricultural crime is a growing trend in Hawai'i. Farmers and ranchers are often victims of those looking for easy targets. Despite our efforts to install cameras, form community ag watch groups, and patrol our farms, these criminals know that being caught and prosecuted is unlikely. Our police departments are trying to help but don't have the staffing and resources to be everywhere at all times.

In recent years, not only crops and livestock have been stolen, but also tractors, trucks, farm equipment, and tools. Too often, a farmer or rancher has sweated, worried, and worked to the bone to produce a crop or raise livestock, only to wake up one morning to find that an opportunistic criminal has helped themselves to the harvest. Farmers and ranchers are fed up with this activity and deserve better. We understand that law

enforcement resources are often prioritized for public health and safety. Is a farmer's and his family's health, safety, and livelihood any less important? We think not.

HFB believes a dedicated Agricultural Law Enforcement Program would significantly minimize agricultural crimes and enhance public safety. We hope that this will serve as a deterrent to would-be criminals. An Agricultural Law Enforcement Program will help prevent agricultural crimes and help our farmers and ranchers stay in business.

HFB will continue to work with our policymakers, law enforcement, and the prosecutor's office to find ways to help deter, apprehend, and convict individuals who commit agricultural crimes.

Thank you for the opportunity to testify on this important subject.



March 18, 2025

To: Chair David Tarnas, Vice Chair Mahina Poepoe, and the House Committee on Judiciary & Hawaiian Affairs

Subject: **SB763 SD2 HD1**, Relating to the Department of Law Enforcement

Aloha,

I am writing in **support** of **SB763 SD2 HD1**, which asks to establish the Agricultural Enforcement Program as well as the Agricultural Enforcement Special Fund. Our farmers and ranchers— the lifeblood of our local food system— continuously face hefty physical, mental, and financial burdens. In return for all their painstaking efforts to feed our communities, the least we can do is help guarantee their safety by making an effort to deter agricultural crime, diligently investigate crimes, and enforce laws.

Across our islands, farmers and ranchers are concerned about agricultural crime in the forms of trespassing, vandalism, illegal hunting, and theft of equipment, machinery, and crops. Not only do these crimes come with a detrimental monetary expense, but there is also the worry of violence. One year ago this month, in February 2024, agricultural communities experienced a tragedy when a hardworking Makaha rancher lost his life from an alleged trespassing incident.

The United States Department of Agriculture (USDA) released a report in 2020 titled [Hawai'i Agricultural Theft and Vandalism](#) which states that in 2018, losses for theft and vandalism, along with security costs, resulted in a total value of \$14.4 million, which was about 10% of Hawai'i net farm income. The report additionally estimated that the total costs of implementing security measures like cameras, guards, and fencing cost Hawai'i farms \$11.2 million.

From the same [USDA report](#), survey respondents indicated that in 2019, more than 14,000 agricultural crime incidents were trespassing, over 3,000 incidents of theft, and about 1,100 incidents of vandalism. Only 970 of these incidents were reported to law enforcement. As explained by the [Hawai'i Department of Agriculture](#), the lack of reporting is likely due to the

The Food+ Policy internship develops student advocates who learn work skills while increasing civic engagement to become emerging leaders. We focus on good food systems policy because we see the importance and potential of the food system in combating climate change and increasing the health, equity, and resiliency of Hawai'i communities.

In 2025, the cohort of interns are undergraduate and graduate students and young professionals working in the food system. They are a mix of traditional and nontraditional students, including parents and veterans, who have backgrounds in education, farming, public health, nutrition, and Hawaiian culture.

https://www.nass.usda.gov/Statistics_by_State/Hawaii/Publications/Miscellaneous/AgTheft_2019.pdf
<https://hdoa.hawaii.gov/wp-content/uploads/2023/09/AGR-SR138-Ag-Crimes.pdf>



difficulty of the process along with staffing issues within law enforcement. Furthermore, these crimes tend to be viewed as low-priority, or result in inconsequential sentencing.

I understand that in uncertain times like these it can be tempting to prioritize other broad issues facing the state. However, I will say that many members of the agricultural community are feeling unheard lately, which is tragic considering how much they contribute to the common good of Hawaii. I urge the committee to pass this measure to show them that their voices matter and that the work they do is valued by their representatives.

I urge the committee to pass this measure. Thank you for the opportunity to testify on this issue.

Mahalo,
Lea Iaea & the Food+ Policy Team
#fixourfoodsystem

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COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Rep. David A. Tarnas, Chair

Rep. Mahina Poepoe, Vice Chair

SB763 SD2 HD1

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT

Wednesday, March 19, 2025, 2:00PM
Conference Room 325 & Videoconference

Chair Tarnas, Vice Chair Poepoe, and members of the committee,

The Hawaii Cattlemen's Council **supports SB763 SD2 HD1** which establishes the Hawaii Agricultural Crimes Council and expands the duties of the Department of Agriculture to collaborate with and support the Council, authorizes the Council to withdraw and deposit moneys, revenues, and fines into and out of the Animal Industry Special Fund, and appropriates funds.

Agricultural crimes is a not a new issue – but it is getting more pervasive and more dangerous. So dangerous that we lost a young rancher, Cranston Duke Pia, to illegal trespassing and poaching in 2024. This was an incredibly horrific incident that we need to keep from happening again. Without the threat of a penalty, ag crimes will continue to flourish, to the detriment of our food producers. There needs to be a clear way for ranchers and farmers to report crimes, and an effective way to prosecute the crime.

Currently, agricultural crimes is not getting the dedicated attention it needs. Reporting of crimes is low, successful prosecution is limited, and criminals have no reason to be deterred from committing the crimes. Creating the Agricultural Enforcement Program will bring more resources to the farmers and ranchers who deal with agricultural crime on a daily basis. This specialized attention within the Department of Law Enforcement will help to address the ongoing trespassing, vandalism and theft on farms and ranches.

We appreciate the opportunity to testify on this measure. The Hawaii Cattlemen's Council (HCC) is the Statewide umbrella organization comprised of the four county-level Cattlemen's Associations. Our member ranchers represent over 60,000 head of beef cows; more than 75% of all the beef cows in the State. Ranchers are the stewards of over 750 thousand acres of land in Hawaii, or 20% of the State's total land mass. We represent the interests of Hawaii's cattle producers.

Nicole Galase
Hawaii Cattlemen's Council
Managing Director



SB 763

Racquel Achiu

Ka'ala Livestock & Makaleha Ranch

Testimony

Aloha my name is Racquel Achiu, piko to Waialua Moku, North Shore and rancher **IN SUPPORT OF SB763**. I'm going to be brutally honest.....

I find myself struggling to remain positive in this process of convincing committee's of how severe the situation is for ranchers and farmers, our Ag industry as a whole. When we can't seem to efficiently relay or express the dire need for strong policy and/or law to effectively support and protect our Agricultural Industry, we can't help but feel defeated. This committee deferred SB 1257 yesterday, largely due to the way the bill was written and the legal issues that it presented. I walked away discouraged, in disbelief that the idea of taking the time and consideration in working together to rewrite the Bill to address the "Legal concerns" seemed out of reach. The laws (as currently written) are weak, the penalties and successful prosecution is even weaker. The violators/offenders that target our ranches and farms and threaten our agricultural sustainability hold all the cards and play us all for fools. Fines need to be significant, Prosecution needs to be unwavering. Offenders/violators win, every time. They get caught, they pay a small fine, a slap on the hand and come right back and hit harder. We have no recourse. Faith and trust in the legal system and now policy making is fading fast and being replaced by complete and total frustration... as if our jobs aren't challenging enough.

Yet, I remain encouraged by the potential of Establishing an Agricultural Enforcement Program within D L E. Opportunity to provide additional enforcement agencies gives great reason to be hopeful but to have an agency that can be specifically focused on the issues that plague the Agriculture Industry, especially the level that Ag Crime has reached, is uplifting.

SB 763 mentions the challenge law enforcement agencies face in responding to rural locations for ranches and farms. It would be beneficial to designate DLE Program funding and process to collaborate with other enforcement agencies such as HPD, DLNR, Sheriffs as well as HFD & EMS to identify and map the various point of entries matched with landowner, tenant, lessee contact information. Also in the expenditures portion of SB 763, under "Education", include public/community outreach, as education of responsible agriculture and lawful practice were mentioned in yesterday's hearing for SB1249 at the committee on JHA.

Additionally, on pages 2, 3 & 4 of SB 763 there is reference to "involving Theft of an agricultural product or commodity AND ANY OTHER MATTERS", I believe that the phrase "AND ANY OTHER MATTERS" warrants clarity and should specifically state/include "Trespass, Vandalism, Harassment, Assault, Terroristic Threatening, Intimidation, Arson and Murder"

Finally, for further consideration, I want to ensure that although there seems to be a significant amount of full time officers being placed in each county, will these officers be available to respond 24 hrs, 7 days a week? Will they be added to the 911 call system? Will they respond to

all jurisdictions of property (State, City, Federal and or Privately owned land? I'm looking to understand how and when DLE would respond to ANY call for assistance.

Chair, Vice Chair and Committee members, I implore you to ensure that SB 763 is written and passed with strong language, firm enforcement measures and reliable prosecution plans.

MAHALO

Racquel Achiu

Ka'ala Livestock, Partner

Makaleha Ranch LLC, Owner/Manager