
A BILL FOR AN ACT

RELATING TO AGRICULTURE.

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

1 PART I

2 SECTION 1. The legislature finds that agricultural crimes
3 pose a significant and growing threat to the sustainability and
4 vitality of the State's agricultural industry. These crimes,
5 which include theft, vandalism, trespassing, and illegal hunting
6 on agricultural lands, not only jeopardize the livelihoods of
7 farmers but also undermine food security, disrupt local
8 economies, and erode public confidence in the protection of
9 vital resources. Agriculture remains a cornerstone of the
10 State's economy and cultural heritage, contributing to both
11 economic diversification and community resilience. However, the
12 increasing prevalence of agricultural crimes poses a grave risk
13 to this essential sector.

14 Your Committee further finds that unauthorized hunting also
15 significantly impacts agricultural lands. Livestock
16 endangerment and losses are common when unpermitted hunters
17 disturb farm animals on agricultural lands, and accidental



1 shootings, noise-related stress, and damaged enclosures put
2 livestock at risk, leading to financial losses for farmers.
3 Additionally, the erosion of landowner rights and agricultural
4 stability is also a critical concern, as farmers and ranchers
5 depend on private property rights to maintain secure and
6 productive operations. Unauthorized hunting disregards these
7 rights, undermining responsible land stewardship.

8 Recognizing the complexity and multifaceted nature of
9 agricultural crimes, this Act is designed to provide a
10 comprehensive response by strengthening existing legal
11 frameworks and establishing clearer definitions and penalties
12 for violations related to agriculture and agricultural lands.
13 By differentiating between administrative and criminal
14 penalties, this Act ensures that the consequences of
15 agricultural crimes are proportionate and effective, thereby
16 enhancing deterrence and accountability.

17 Moreover, this Act establishes an agricultural crime
18 prevention program within the department of agriculture, which
19 will play a pivotal role in safeguarding the State's
20 agricultural industry through a combination of grants,
21 educational initiatives, and administrative enforcement



1 measures. By equipping agricultural property owners and
2 community-based organizations with resources such as
3 surveillance equipment, signage, and fencing, the program seeks
4 to proactively deter criminal activity. Additionally, it will
5 support partnerships between law enforcement, community groups,
6 and private entities to enhance investigative and prosecutorial
7 efforts.

8 The legislature affirms its commitment to preserving the
9 State's agricultural legacy and protecting the individuals and
10 communities who dedicate themselves to this critical industry.
11 Through this Act, the State seeks to ensure the safety,
12 integrity, and sustainability of the State's agricultural lands
13 for present and future generations.

14 Accordingly, the purpose of this Act is to:

15 (1) Establish an agricultural crime prevention program
16 within the department of agriculture to provide
17 grants, education, administrative enforcement, and
18 other services for the benefit of the State's
19 agricultural industry;



- 1 (2) Clarify, create, and strengthen laws regarding crimes
2 and violations related to agriculture or agricultural
3 lands and hunting on private agricultural lands;
4 (3) Establish clear distinctions between administrative
5 and criminal penalties; and
6 (4) Appropriate funds for certain positions.

7 PART II

8 SECTION 2. Chapter 141, Hawaii Revised Statutes, is
9 amended by adding a new part to be appropriately designated and
10 to read as follows:

11 "PART . AGRICULTURAL CRIME PREVENTION PROGRAM

12 §141-A Agricultural crime prevention special fund;

13 **established.** (a) There is established within the state
14 treasury the agricultural crime prevention special fund. The
15 fund shall be administered by the department of agriculture and
16 shall include:

- 17 (1) Fees received pursuant to section 141-B;
18 (2) Interest earned or accrued on moneys in the special
19 fund;
20 (3) Any moneys appropriated by the legislature to the
21 special fund; and



1 (4) Grants, donations, and contributions from private or
2 public sources for the purposes of the special fund.

3 (b) The department of agriculture shall expend moneys from
4 the special fund to carry out the purposes of this part,
5 including the implementation and administration of the
6 agricultural crime prevention program.

7 (c) Moneys on balance in the agricultural crime prevention
8 special fund at the close of each fiscal year shall remain in
9 the fund and shall not lapse to the credit of the general fund.

10 **§141-B Agricultural crime prevention program; established.**

11 (a) The department of agriculture shall establish an
12 agricultural crime prevention program for the purpose of
13 providing grants to agricultural property owners to deter,
14 prevent, and prosecute agricultural crimes.

15 (b) The department of agriculture may:

16 (1) Provide grants to assist agricultural property owners
17 with procuring signage, cameras, fencing, and other
18 protective or surveillance equipment;

19 (2) Provide signage, cameras, fencing, and other
20 protective or surveillance equipment directly to
21 agricultural property owners;



- 1 (3) Provide grants to assist community-based organizations
2 or law enforcement agencies to develop, implement, and
3 support programs for deterring or preventing, and
4 where appropriate, investigating or prosecuting
5 agricultural crimes;
- 6 (4) Provide staff, administration, and related support
7 required to administer this part;
- 8 (5) Enter into agreements that set forth terms and
9 conditions of the grants, accept funds or grants, and
10 cooperate with private entities and state or county
11 agencies to carry out the purposes of this part;
- 12 (6) Establish, determine, charge, and collect any
13 premiums, fees, charges, costs, and expenses,
14 including application fees, commitment fees, program
15 fees, financing charges, or publication fees, in
16 connection with its activities under this part;
- 17 (7) Take whatever actions are necessary or appropriate to
18 protect the State's interest in the event of
19 bankruptcy, default, foreclosure, or noncompliance
20 with the terms and conditions of grants provided under
21 this part, including the ability to recapture funds if



1 the grant recipient is found to be noncompliant with
2 the terms and conditions of the grant agreement;

3 (8) Establish application, notification, contract, and
4 other forms and procedures deemed necessary and
5 appropriate;

6 (9) Utilize vendors or contract work to carry out the
7 purposes of this part; and

8 (10) Take any other action that is consistent with the
9 intent of this part.

10 (c) The department of agriculture shall adopt rules in
11 accordance with chapter 91 to implement this part, including:

12 (1) Additional requirements and qualifications for
13 determining eligibility of applicants for grants;

14 (2) Preferences and priorities in determining eligibility
15 for grants;

16 (3) Conditions, consistent with the purpose of this part,
17 for the awarding of grants;

18 (4) Requirements for the inspection at reasonable hours of
19 properties, including facilities, books, and records,
20 of a grant applicant or grant recipient;



1 (5) Requirements for the submission of progress and final
2 reports by grant recipients; and

3 (6) Appropriate management counseling and monitoring of
4 business activities for grant recipients.

5 **§141-C Agricultural crime prevention grants; standards and**
6 **conditions.** (a) Grants made pursuant to this part shall be
7 awarded on a competitive and annual basis. Grants made under
8 this part shall further and promote the goals of the
9 agricultural crime prevention program.

10 (b) Applications for grants shall be made to the
11 department of agriculture and contain any information required
12 under this part and rules adopted pursuant to this part. At a
13 minimum, an applicant shall include the following:

14 (1) The name of the organization or individual applying
15 for the grant;

16 (2) A statement that the applicant meets the criteria for
17 the grant;

18 (3) The intended use of the grant; and

19 (4) The location of the agricultural property or community
20 to be benefited.



1 (c) Recipients of grants made pursuant to this part shall
2 be subject to the following conditions:

3 (1) The recipient shall not use public funds for purposes
4 of entertainment or perquisites, including lobbying
5 activities;

6 (2) The recipient of a grant shall comply with state laws
7 and county ordinances;

8 (3) The recipient of a grant shall comply with any other
9 requirements that may be prescribed by rules adopted
10 pursuant to this part;

11 (4) The recipient of a grant shall allow the department of
12 agriculture, the legislature, and the auditor full
13 access to records, reports, files, and other related
14 documents so that the program, management, and fiscal
15 practices of the grant recipient may be monitored and
16 evaluated to assure the proper and effective
17 expenditure of public funds;

18 (5) Each grant shall be monitored according to rules
19 adopted pursuant to this part to ensure compliance
20 with this part or rules adopted pursuant to this part;
21 and



1 (6) Any recipient who withholds or omits any material fact
2 or deliberately misrepresents facts to the department
3 of agriculture or who violates the terms of the
4 recipient's contract shall be in violation of this
5 part and, in addition to any other penalties provided
6 by law, shall be prohibited from applying for a grant
7 under this part for a period of five years from the
8 date of termination of the grant or contract."

9 PART III

10 SECTION 3. Chapter 142, Hawaii Revised Statutes, is
11 amended by adding two new sections to part I to be appropriately
12 designated and to read as follows:

13 "§142-A Administrative penalties. (a) Except as
14 otherwise provided by law, the department of agriculture may
15 set, charge, and collect administrative fines, fees, and costs
16 for any violation of this chapter for which a penalty is not
17 otherwise provided, including attorneys' fees and costs, or
18 bring legal action to recover administrative fines, fees, and
19 costs, including attorneys' fees and costs, or payment for
20 damages or for the cost to correct damages resulting from a
21 violation of this chapter or any rule adopted thereunder.



1 (b) For any administrative violation of this chapter or
2 any rule adopted thereunder, unless provided otherwise by law,
3 the fine shall be as follows:

4 (1) For a first violation, or any violation not preceded
5 within a five-year period for the same violation, a
6 fine of no more than \$200;

7 (2) For a second violation within five years of a previous
8 violation, a fine of no more than \$500; and

9 (3) For a third or subsequent violation within five years
10 of a previous violation, a fine of no more than
11 \$1,000.

12 Each day or instance of violation shall constitute a separate
13 violation.

14 (c) The board of agriculture may impose applicable fines
15 by order in addition to any other administrative or judicial
16 remedy provided by this chapter or any rule adopted thereunder.

17 (d) For any judicial proceeding to recover a fine, fee, or
18 cost imposed under this section, the chairperson of the board of
19 agriculture need only show that:



1 (1) Notice was given and a hearing was held or the time
2 granted for requesting a hearing has expired without
3 receiving a request;

4 (2) The fine, fee, or cost was imposed; and

5 (3) The fine, fee, or cost remains unpaid.

6 (e) In addition to any other administrative or judicial
7 remedy provided in this chapter or any rule adopted thereunder,
8 the department of agriculture may impound, seize, confiscate,
9 destroy, quarantine, sell, auction, or dispose of any animal,
10 animal product, container, crate, or any other item under the
11 jurisdiction of this chapter in the best interest of the State.

12 (f) Any criminal action against a person for any violation
13 of this chapter or any rule adopted thereunder shall not
14 preclude the State from pursuing civil legal action to recover
15 administrative fines, fees, or costs or damages against the
16 person. Any civil legal action to recover administrative fines,
17 fees, costs, or damages for a violation of this chapter or any
18 rule adopted thereunder shall not preclude the State from
19 pursuing any appropriate criminal action against that person.
20 Unless otherwise provided, all fines, fees, costs, and damages
21 recovered by the department of agriculture pursuant to this



1 section shall be deposited in the animal industry special fund
2 established under section 142-3.6.

3 **§142-B Habitual agricultural crime.** (a) A person commits
4 the offense of habitual agricultural crime if the person is a
5 habitual agricultural crime perpetrator and commits a criminal
6 offense under this chapter.

7 (b) For the purposes of this section, "habitual
8 agricultural crime perpetrator" means a person who, within five
9 years of the initial offense, has any combination of three or
10 more prior convictions for criminal offenses under this chapter
11 or one or more prior convictions under this section. The
12 convictions shall be for separate incidents on separate dates.
13 The prosecution shall not be required to prove any state of mind
14 with respect to the person's status as a habitual agricultural
15 crime perpetrator. Proof that the person has the requisite
16 minimum prior convictions shall be sufficient to establish this
17 element.

18 (c) Habitual agricultural crime is a class C felony.

19 (d) For a conviction under this section, the sentence
20 shall be either:



- 1 (1) An indeterminate term of imprisonment of five years;
2 provided that the minimum term of imprisonment shall
3 be no less than one year; or
4 (2) A term of probation of five years, with conditions to
5 include but not be limited to one year of
6 imprisonment; provided that probation shall only be
7 available for a first conviction under this section."

8 SECTION 4. Chapter 142, Hawaii Revised Statutes, is
9 amended by adding four new sections to part II to be
10 appropriately designated and to read as follows:

11 **"§142-C Definitions. As used in this part:**

12 "Brand" means a design that is permanently impressed on the
13 hide of an animal by burning with acid, a chemical compound, or
14 a hot iron.

15 "Mark" means a design that is cut into or from the ear,
16 dewlap, or other part of an animal.

17 **§142-D Specialized unit of brand inspectors;**

18 **establishment; duties.** (a) There is established within the
19 department of agriculture a specialized unit of brand
20 inspectors, whose duty shall be to carry out enforcement of this
21 part and related rules adopted under this chapter, as authorized



1 under this chapter and directed by the chairperson of the board
2 of agriculture. The chairperson of the board of agriculture may
3 staff the unit as needed to fulfill its duties.

4 (b) Brand inspectors shall be provided with suitable
5 badges or insignia of office by the department of agriculture
6 and shall have the power to:

7 (1) Initiate civil or administrative investigations;

8 (2) Institute, serve, and execute warrants;

9 (3) Issue citations;

10 (4) Seize contraband or other related articles;

11 (5) Educate; and

12 (6) Use any other means of enforcement authorized under
13 this chapter,

14 to enforce this part and related rules adopted under this
15 chapter.

16 (c) Whenever a brand inspector deems it necessary to enter
17 private property, including any land, building, vehicle, vessel,
18 or aircraft, for the purposes of enforcing this part, the brand
19 inspector may apply to the district court in which the property
20 is located for a warrant to enter the property. The district
21 court may issue a warrant authorizing the brand inspector to



1 enter the property and seize, capture, confiscate, or remove any
2 animals, equipment, records, or other articles used or intended
3 for use in the commission or attempt to commit a violation of
4 this part or related rules adopted under this chapter.

5 **§142-E Inspection before slaughter.** No person shall allow
6 livestock to enter a processing establishment that slaughters or
7 processes livestock meat and meat products unless the department
8 of agriculture has conducted a prior examination and inspection
9 to verify the correct brand pursuant to this part and confirm
10 the livestock ownership movement certificate pursuant to section
11 142-49.

12 **§142-F Brand inspection special fund.** (a) There is
13 established in the state treasury the brand inspection special
14 fund. The special fund shall be administered by the department
15 of agriculture and shall include:

16 (1) Fees, fines, and penalties received pursuant to this
17 part;

18 (2) Interest earned or accrued on moneys in the special
19 fund;

20 (3) All moneys received and deposited into the special
21 fund pursuant to section 142-41;



- 1 (4) Any moneys appropriated by the legislature to the
2 special fund; and
- 3 (5) Grants, donations, and contributions from private or
4 public sources for the purposes of the special fund.
- 5 (b) Moneys deposited into the special fund shall be
6 expended by the department of agriculture for the implementation
7 and administration of the specialized unit of brand inspectors."

8 SECTION 5. Section 141-1, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§141-1 Duties in general.** (a) The department of
11 agriculture shall:

- 12 (1) Gather, compile, and tabulate, from time to time,
13 information and statistics concerning:
- 14 (A) Entomology and plant pathology: Insects, scales,
15 blights, and diseases injurious or liable to
16 become injurious to trees, plants, or other
17 vegetation, and the ways and means of
18 exterminating pests and diseases already in the
19 State and preventing the introduction of pests
20 and diseases not yet in the State; and



1 (B) General agriculture: Fruits, fibres, and useful
2 or ornamental plants and their introduction,
3 development, care, and manufacture or
4 exportation, with a view to introducing,
5 establishing, and fostering new and valuable
6 plants and industries;

7 (2) Encourage and cooperate with the agricultural
8 extension service and agricultural experiment station
9 of the University of Hawaii and all private persons
10 and organizations doing work of an experimental or
11 educational character coming within the scope of the
12 subject matter of chapters 141, 142, and 144 to 150A,
13 and avoid, as far as practicable, duplicating the work
14 of those persons and organizations;

15 (3) Enter into contracts, cooperative agreements, or other
16 transactions with any person, agency, or organization,
17 public or private, as may be necessary in the conduct
18 of the department's business and on any terms the
19 department may deem appropriate; provided that the
20 department shall not obligate any funds of the State,
21 except the funds that have been appropriated to the



1 department. Pursuant to cooperative agreement with
2 any authorized federal agency, employees of the
3 cooperative agency may be designated to carry out, on
4 behalf of the State the same as department personnel,
5 specific duties and responsibilities under chapters
6 141, 142, and 150A, and rules adopted pursuant to
7 those chapters, for the effective prosecution of pest
8 control and animal disease control and the regulation
9 of import into the State and intrastate movement of
10 regulated articles;

- 11 (4) Secure copies of the laws of other states,
12 territories, and countries, and other publications
13 germane to the subject matters of chapters 141, 142,
14 and 144 to 150A, and make laws and publications
15 available for public information and consultation;
- 16 (5) Provide buildings, grounds, apparatus, and
17 appurtenances necessary for the examination,
18 quarantine, inspection, and fumigation provided for by
19 chapters 141, 142, and 144 to 150A; for the obtaining,
20 propagation, study, and distribution of beneficial
21 insects, growths, and antidotes for the eradication of



1 insects, blights, scales, or diseases injurious to
2 vegetation of value and for the destruction of
3 injurious vegetation; and for carrying out any other
4 purposes of chapters 141, 142, and 144 to 150A;

5 (6) Formulate and recommend to the governor and
6 legislature additional legislation necessary or
7 desirable for carrying out the purposes of chapters
8 141, 142, and 144 to 150A;

9 (7) Publish at the end of each year a report of the
10 expenditures and proceedings of the department and of
11 the results achieved by the department, together with
12 other matters germane to chapters 141, 142, and 144 to
13 150A and that the department may deem proper;

14 (8) Administer a program of agricultural planning and
15 development, including the formulation and
16 implementation of general and special plans, including
17 but not limited to the functional plan for
18 agriculture; administer the planning, development, and
19 management of the agricultural park program; plan,
20 construct, operate, and maintain the state irrigation
21 water systems; plan, design, construct, operate,



1 manage, maintain, repair, demolish, and remove
2 infrastructure or improvements on any lands under the
3 jurisdiction of the department; review, interpret, and
4 make recommendations with respect to public policies
5 and actions relating to agricultural land and water
6 use; assist in research, evaluation, development,
7 enhancement, and expansion of local agricultural
8 industries; and serve as liaison with other public
9 agencies and private organizations for the above
10 purposes. In the foregoing, the department shall act
11 to conserve and protect agricultural lands and
12 irrigation water systems, promote diversified
13 agriculture, increase agricultural self-sufficiency,
14 and ensure the availability of agriculturally suitable
15 lands; and

16 (9) Manage, administer, and exercise control over any
17 public lands, as defined under section 171-2, that are
18 designated important agricultural lands pursuant to
19 section 205-44.5, including but not limited to
20 establishing priorities for the leasing of these
21 public lands within the department's jurisdiction.



1 (b) In the performance of its duties under this chapter
2 and chapter 142, the department of agriculture may:

3 (1) Conduct investigations, collect data, and require
4 reports from any person, including from owners of
5 animals and livestock animals, as may be necessary to
6 conduct inspections or facilitate its decisions;

7 (2) Enter upon private property, including agricultural
8 lands, as may be necessary in making any investigation
9 or inspection required or authorized by this chapter
10 and chapter 142; provided that the entry shall not
11 constitute a cause of action in favor of the owner of
12 the land, except for damages resulting from wilful
13 acts or negligence by the department or its employees
14 acting in the course of their official duties;

15 (3) Establish and assess fees pursuant to chapter 91 to
16 cover a portion of the department's costs in carrying
17 out the implementation and administration of any
18 programs established or authorized under this chapter
19 and chapter 142;



- 1 (4) Recover expenses incurred in taking any action
2 required in the same manner that debts are recoverable
3 by law;
- 4 (5) Assess and collect administrative penalties for
5 violation of this chapter and chapter 142, any rule
6 adopted thereunder, or order issued by the department
7 of agriculture or board of agriculture pursuant to
8 this chapter and chapter 142;
- 9 (6) Place liens, as needed, on the owner's property, to be
10 collected as delinquent taxes against lands and
11 property, if the owner neglects to pay any costs,
12 expenses, or penalties chargeable to the owner under
13 this chapter or chapter 142, or any rule, order, or
14 condition adopted, issued, or required under this
15 chapter or chapter 142;
- 16 (7) With the assistance of the attorney general, institute
17 and pursue all court actions that may be necessary to
18 obtain the enforcement of any order issued by the
19 board of agriculture or department of agriculture in
20 carrying out this chapter or chapter 142;



- 1 (8) Cooperate, advise, consult, contract, or enter into
2 cooperative agreements with the United States
3 government, or any of its agencies, other state
4 agencies, or the county governments, or any of its
5 agencies; and
6 (9) Take any and all other actions as may be necessary to
7 carry out this chapter and chapter 142."

8 SECTION 6. Section 142-2, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§142-2 Rules.** Subject to chapter 91, the department of
11 agriculture may make and amend rules for the inspection,
12 quarantine, disinfection, or destruction, either upon
13 introduction into the State or at any time or place within the
14 State, of animals and the premises and effects used in
15 connection with the animals. Included therein may be rules
16 governing the control and eradication of transmissible diseases
17 of animals and the transportation of animals between the
18 different islands of the State and along the highways thereof,
19 the registration and inspection of brands or marks, both as
20 defined in section 142-C, on livestock, as well as rules
21 requiring the owner or captain of any vessel or aircraft



1 arriving in the State with animals aboard and the managers or
2 agents of trucking and air and water transportation companies
3 carrying animals within the State to report on the number and
4 class of animals carried, names of owners and consignees, the
5 places to and from which the animals are shipped, the manner of
6 handling the animals, the number of deaths or injuries to
7 animals occurring in transit or while being loaded or unloaded,
8 together with the causes of the deaths or injuries, and all
9 other matters [~~which~~] that may be deemed necessary by the
10 department for a full and complete record of the shipping and
11 handling of animals. The department may also prohibit the
12 importation into the State from any foreign country or other
13 parts of the United States or the movement from one island
14 within the State to another island therein or to one locality
15 from another locality on the same island, of animals known to be
16 or suspected of being infected with a contagious, infectious, or
17 communicable disease or known to have been exposed to any of
18 those diseases."

19 SECTION 7. Section 142-3, Hawaii Revised Statutes, is
20 amended to read as follows:



1 "**§142-3 Department[~~7~~]; general duties[~~7~~] and powers.** The
2 department of agriculture shall have charge, direction, and
3 control of all matters relating to the inspection of animals,
4 including brand inspection, and the prevention and eradication
5 of contagious, infectious, and communicable diseases among
6 animals and of all matters relating to animal industry within
7 this chapter."

8 SECTION 8. Section 142-3.6, Hawaii Revised Statutes, is
9 amended to read as follows:

10 "**§142-3.6 Animal industry special fund.** There is
11 established the animal industry special fund to be administered
12 by the board of agriculture. Moneys received by the board of
13 agriculture from:

- 14 (1) The use or rental of the division of animal industry's
15 properties or facilities, including the animal
16 quarantine property or facilities pursuant to section
17 142-3.5;
- 18 (2) Revenue from fees for diagnostic, surveillance, and
19 other work by the animal industry division veterinary
20 laboratory and animal disease control branch; [~~and~~]



1 (3) Fines, fees, costs and damages recovered by the
2 department of agriculture under section 142-A; and
3 [~~(3)~~] (4) Appropriations or other moneys made available,
4 shall be deposited into the special fund. All
5 interest earned or accrued on moneys deposited in the
6 special fund shall become part of the special fund.
7 Moneys in the special fund shall be expended to cover
8 costs of the division of animal industry, including
9 the costs of salaries, fringe benefits, operating
10 expenses, equipment, motor vehicles, contract with any
11 qualified person or entity for livestock handling
12 services, improvements to laboratory capabilities and
13 operations, and operating and maintenance of the
14 animal industry facilities; provided that moneys in
15 the special fund may be used to fund the department's
16 resource management and planning programs. A reserve
17 shall be maintained in the special fund to cover
18 contingency costs, including accrued vacation leave,
19 unemployment insurance, and workers' compensation."

20 SECTION 9. Section 142-4, Hawaii Revised Statutes, is
21 amended to read as follows:



1 **"§142-4 Entry of animals without inspection prohibited.**

2 (a) No animal shall be allowed to enter the State except after
3 inspection by the department of agriculture and the issuance of
4 a permit by the department to the consignee or owner; provided
5 that no fees for inspection shall be charged, nor delays caused,
6 concerning the landing of any domestic animal for which a
7 certificate of health has been issued as prescribed by the
8 Federal Cattle Contagious Disease Act. Every carrier, owner, or
9 handler bringing animals into the State shall be required to
10 present these animals to the department of agriculture for
11 inspection.

12 (b) Any person who fails to present an animal pursuant to
13 subsection (a) shall be assessed an administrative penalty of no
14 more than \$1,000 for each violation. Each animal that enters
15 the State without inspection shall constitute a separate
16 violation."

17 SECTION 10. Section 142-8, Hawaii Revised Statutes, is
18 amended to read as follows:

19 **"§142-8 Notification of arrival.** (a) The captain of any
20 vessel or aircraft transporting any live animal to any port in
21 [~~this~~] the State shall immediately upon arrival in the State



1 notify the department of agriculture. No animal so transported,
2 nor any portion of the food or water nor any effects connected
3 therewith or provided for the animal's use during transit, shall
4 be removed from the wharf or airport until the department has
5 inspected and passed the same. The department, at the owner's
6 or shipper's expense, may require that the animal be moved to a
7 more suitable location for inspection.

8 (b) A person who violates this section shall be guilty of
9 a misdemeanor."

10 SECTION 11. Section 142-12, Hawaii Revised Statutes, is
11 amended to read as follows:

12 **"§142-12 Penalties.** (a) Any person violating any
13 provision of this chapter or any rule adopted pursuant ~~[thereto,~~
14 ~~for which action a penalty is not otherwise provided, is guilty~~
15 ~~of a misdemeanor and, upon conviction thereof,]~~ to this chapter
16 that is designated as a petty misdemeanor shall be ~~[punished]~~
17 sentenced as follows:

18 (1) For the first ~~[conviction, by]~~ offense, or any offense
19 not preceded within a five-year period for an offense
20 under the same section, a fine of [not more] no less
21 than [\$1,000] \$250 or [by] imprisonment of [not more]



1 no less than [one-year,] three consecutive days, or
2 both[-];

3 (2) For [~~a second conviction within one year~~] an offense
4 that occurs within five years of a previous
5 conviction[~~, by~~] for an offense under the same
6 section, a fine of [not] no less than \$500 [not more
7 ~~than \$1,000]~~ or [~~by~~] imprisonment of [~~not more~~] no
8 less than [one-year,] ten days, or both[-]; and

9 (3) For [~~a third conviction~~] an offense that occurs within
10 five years of [~~the first conviction, by~~] two or more
11 prior convictions for an offense under the same
12 section, a fine of [not less than] \$1,000 or [by]
13 imprisonment of [~~one-year,]~~ thirty days, or both.

14 (b) Any person[~~, carrier, or handler who has been~~
15 ~~convicted of a violation~~] violating any provision of this
16 chapter [~~more than three times within a five-year period or~~
17 ~~whose violation poses a grave or serious health threat to the~~
18 ~~State's citizens, animal industry, wildlife, or domestic~~
19 ~~animals, shall be guilty of a class C felony and upon~~
20 ~~conviction~~] or any rule adopted pursuant to this chapter that is



1 designated as a misdemeanor shall be ~~[punished]~~ sentenced as
2 follows:

3 (1) For the first conviction, ~~[by]~~ or any offense not
4 preceded within a five-year period for an offense
5 under the same section, a fine of ~~[not more]~~ no less
6 than [\$5,000] \$500 or ~~[by]~~ imprisonment of ~~[not more]~~
7 no less than five ~~[years,]~~ consecutive days, or
8 both~~[-]~~;

9 (2) For ~~[a second conviction]~~ an offense that occurs
10 within five years of a previous conviction, ~~[by]~~ for
11 an offense under the same section, a fine of ~~[not]~~ no
12 less than [\$3,000 nor more than \$5,000 or by] \$1,000
13 or imprisonment of [not more] no less than ~~[five~~
14 ~~years,]~~ thirty days, or both~~[-]~~; and

15 (3) For ~~[a third or subsequent conviction]~~ an offense that
16 occurs within five years of ~~[the first conviction, by]~~
17 two or more prior convictions for an offense under the
18 same section, a fine of ~~[not less than \$5,000 or by]~~
19 \$2,000 or imprisonment of ~~[not more than five years,]~~
20 one year, or both.



1 (c) ~~[In addition to the penalties in subsection (a) or (b)~~
2 ~~and for the first conviction, the department of agriculture may~~
3 ~~impound, seize, confiscate, destroy, quarantine, sell, auction,~~
4 ~~or dispose of any animal, animal product, container, crate, or~~
5 ~~any other item under the jurisdiction of this chapter in the~~
6 ~~best interest of the State.] Any provision of this chapter or~~
7 ~~any rule adopted pursuant to this chapter that is not~~
8 ~~specifically designated as a petty misdemeanor, misdemeanor, or~~
9 ~~felony, shall be enforced via civil or administrative means.~~

10 (d) ~~[Persons found to be in possession of any]~~ Any animal,
11 fodder, fittings, or other personal effects [contrary to] seized
12 in relation to an offense under this chapter, including any
13 vehicles used in the commission of the offense, shall be [found
14 guilty and upon conviction shall be punished in accordance with
15 this section.] subject to forfeiture under chapter 712A."

16 SECTION 12. Section 142-18, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§142-18 Disposal of tuberculous animals.** (a) The owner
19 of all cattle reacting to the tuberculin test shall, subject to
20 section 142-16, cause them to be segregated immediately and,
21 within a reasonable time thereafter, to be delivered for



1 slaughter at ~~[such]~~ a time and place as may be designated by the
2 department of agriculture. The slaughter shall be under the
3 direct supervision of the department and in accordance with the
4 meat inspection regulations of the United States Department of
5 Agriculture.

6 (b) Any person who fails to segregate tuberculous animals
7 or deliver them for slaughter shall be guilty of a misdemeanor."

8 SECTION 13. Section 142-20, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§142-20 Premises from which tuberculous cattle removed to**
11 **be disinfected. (a)** Any premises upon which have been kept
12 animals affected with tuberculosis shall be disinfected promptly
13 after the removal of the animals and in a manner satisfactory to
14 the department of agriculture and at the expense of the owner.

15 (b) Violation of this section shall be a misdemeanor."

16 SECTION 14. Section 142-23.5, Hawaii Revised Statutes, is
17 amended by amending subsection (b) to read as follows:

18 "(b) Any person who violates ~~[the provisions of]~~
19 subsection (a) ~~[of this section]~~ shall be ~~[fined not more than~~
20 ~~\$1,000 or imprisoned not more than one year, or both.]~~ guilty of
21 a misdemeanor."



SECTION 15. Section 142-41, Hawaii Revised Statutes, is amended to read as follows:

"§142-41 Brands to be registered and recorded[~~, ete~~]. (a)

Every owner of livestock in the State shall have the owner's brand or mark, in order to secure its validity and individuality, recorded in a separate book kept for that purpose by the department of agriculture to be known as the "Hawaii Brand Book". No brand or mark shall be recorded [~~which~~] that may be similar or approximate in design to any brand or mark [~~which~~] that has been previously recorded. No record shall be made of any earmark, except only as supplemental identification of a brand. Numerals from 1 to 9 and 0, not used in combination or with symbols, as a brand, shall not be subject to preemptive use but shall be the common property of all persons.

(b) The department of agriculture shall establish, by rule adopted pursuant to chapter 91, a fee for each application [~~for registration shall be established by rule adopted pursuant to chapter 91.~~] to register a brand or mark. The application may be made directly to the department, through its duly authorized agents, or through any duly authorized police officer. The chief of police of the respective counties shall authorize



1 police officers to receive applications for registration of
2 brands under this section. All moneys ~~[se]~~ received under this
3 section shall be ~~[paid to the director of finance.]~~ deposited
4 with the director of finance, who shall deposit the moneys into
5 the brand inspection special fund pursuant to section 142-F. A
6 signed and dated receipt shall be issued for each paid
7 application. All applications shall be promptly forwarded to
8 the department.

9 (c) If it is determined that the application seeks the
10 registration of a brand ~~[which]~~ that either has not already been
11 recorded by another person or is not similar in design to any
12 other previously recorded brand ~~[which]~~ that has not expired,
13 then a certificate showing that ~~[such]~~ the brand or mark has
14 been duly recorded shall be issued forthwith to the applicant.
15 ~~[No record shall be made of any earmark, except only as~~
16 ~~supplemental identification of a brand. Numerals from 1 to 9~~
17 ~~and 0, not used in combination or with symbols, as a brand,~~
18 ~~shall not be subject to preemptive use but shall be the common~~
19 ~~property of all persons.]~~

20 (d) It shall be unlawful for any person to use any brand
21 that has not been duly registered pursuant to this section and



1 any rule adopted thereunder. Any person who violates this
2 subsection shall be fined no more than \$200. Each instance a
3 brand is used in violation of this subsection shall constitute a
4 separate violation."

5 SECTION 16. Section 142-47, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "~~§142-47~~ [Obliterating] Altering, removing, or
8 obliterating brand[+] or mark; penalty. Any person who alters,
9 removes, or obliterates any brand or mark, on any animal, by
10 placing another brand or mark over the same, or otherwise,
11 ~~[although without felonious intent,]~~ shall be fined ~~[not]~~ no
12 more than ~~[\$200]~~ \$500 for every brand or mark so obliterated."

13 SECTION 17. Section 142-48, Hawaii Revised Statutes, is
14 amended to read as follows:

15 "~~§142-48~~ [Felonious] Prohibited branding[+] or marking;
16 penalty. ~~[Whoever wilfully and feloniously brands, or otherwise~~
17 ~~marks,]~~ Any person who intentionally or knowingly places their
18 own brand or mark on any kine, horse, mule, sheep, goat, or
19 other cattle belonging to another~~[, with one's mark,]~~ or ~~[with]~~
20 places the brand or mark of ~~[another not]~~ anyone other than the
21 animal's owner ~~[of the animal so branded or marked,]~~ with the



1 intent to convert it to one's own use[~~7~~] or to the use of
2 another, shall be [~~imprisoned not more than one year, or fined~~
3 ~~not more~~] guilty of a class C felony and, in addition to any
4 other penalties imposed by the court, be fined no less than
5 [\$200] \$1,000 for each kine, horse, mule, sheep, goat or other
6 cattle thus branded or marked."

7 SECTION 18. Section 142-49, Hawaii Revised Statutes, is
8 amended to read as follows:

9 **"§142-49 Livestock ownership and movement certification.**

10 (a) Every owner, upon sale or transportation of livestock,
11 including cattle, horses, sheep, goats, pigs, bison, or llamas,
12 shall complete a certificate describing the animal or animals,
13 including sex, breed, age, and brand, and indicating the seller
14 or owner, buyer or consignee, and origin and destination. Two
15 copies of the certificate shall accompany the shipment[~~7~~];
16 provided that one copy shall be given to the department of
17 agriculture, and [a] one copy shall be retained by the owner.
18 One of the copies of the certificate shall be presented upon
19 request to a [~~law enforcement officer~~] brand inspector or other
20 officer or employee as described in section 142-29.



1 (b) Any person who violates this section shall be assessed
2 an administrative penalty up to \$500 per animal moved without a
3 certificate."

4 SECTION 19. Section 142-61, Hawaii Revised Statutes, is
5 amended by amending subsection (i) to read as follows:

6 "(i) Any person who constructs or maintains an
7 electrically charged fence or fence with electrically charged
8 attachments not conforming to the requirements of this section
9 shall be [~~fined no more than \$500, or imprisoned no more than~~
10 ~~one year, or both.~~] guilty of a misdemeanor."

11 SECTION 20. Section 142-62, Hawaii Revised Statutes, is
12 amended to read as follows:

13 **"§142-62 Breaking, etc., of fence; penalty.** If any person
14 maliciously and designedly opens a gateway, or breaks a fence,
15 so as to allow any animal ingress or egress, so that it may
16 commit a trespass, or maliciously and designedly drives or leads
17 any animal into another locality where it may commit a trespass,
18 the person shall, for every offense, be [~~fined not more than~~
19 ~~\$100, or imprisoned not more than one year.~~] guilty of a petty
20 misdemeanor."



1 SECTION 21. Section 142-68, Hawaii Revised Statutes, is
2 amended to read as follows:

3 "**§142-68 Fine for continued trespassing by animals.** [~~In~~
4 ease] If cattle, horses, mules, asses, sheep, swine, or goats
5 trespass on any land, the owner of the animals, if known, shall
6 be notified by the owner or occupier of the land trespassed
7 upon, and if the owner of the animals does not remove them
8 within [~~twenty-four~~]:

9 (1) Twenty-four hours, if the animals are trespassing on a
10 homesite, garden, or truck farm[~~7~~]; or [~~within forty-~~
11 eight]

12 (2) Forty-eight hours, if the animals are trespassing on
13 any other type of land,
14 the owner of the animals shall be [~~subject to penalties as~~
15 ~~provided in section 142-12.~~] guilty of a misdemeanor."

16 SECTION 22. Section 142-72, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§142-72 Procedure, if owner believes impounding illegal.**

19 If the owner of any animal taken up for trespass has reason to
20 believe that the taking up or impounding of the animal was
21 illegal, or if the owner regards the claim for damages or



1 expenses as excessive, the owner may have the owner's animal
2 returned to the owner upon the ~~[owner's]~~ owner delivering to the
3 landowner or to the pound keeper~~[, if the animal has been~~
4 ~~impounded,~~] a certificate from any district judge of the
5 circuit~~[,]~~ in which the animal was impounded, stating that the
6 owner has deposited with the judge the amount claimed by the
7 landowner, together with the pound fees, if any, or a good and
8 sufficient bond for the same and the costs of an action before
9 the judge."

10 SECTION 23. Section 142-74, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) If any dog, while on private property without the
13 consent of the owner of that property, injures or destroys any
14 sheep, cattle, goat, hog, fowl, or other property belonging to
15 any person other than the owner of the dog, the owner of the dog
16 shall be liable in damages to the person injured for the value
17 of the property so injured or destroyed. The owner of the dog
18 shall confine or destroy the dog, and if the owner of the dog
19 neglects or refuses to do so, the owner of the dog, in the event
20 of any further damage being done to the person or property of
21 any person by the dog, in addition to paying the person injured



1 for the damage, shall be guilty of a misdemeanor and pay the
2 costs of the trial [~~together with the penalty imposed under~~
3 ~~section 142-12~~], and it shall be lawful for any other person to
4 destroy the dog."

5 SECTION 24. Section 142-91, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§142-91 Destruction of animals ferae naturae.** (a) No
8 person shall shoot or otherwise destroy any animal ferae naturae
9 or its progeny within ten years of the introduction of the
10 species into the State.

11 (b) Nothing in this section shall be construed to prohibit
12 the destruction of such animals as shall be proved to be common
13 nuisances.

14 (c) Any person who violates this section shall be guilty
15 of a misdemeanor."

16 SECTION 25. Section 142-93, Hawaii Revised Statutes, is
17 amended to read as follows:

18 "**§142-93 Harboring mongoose; penalty.** Any person
19 harboring, feeding, or in any way caring for a mongoose, except
20 upon and according to the terms of a written permit [~~which~~] that
21 may be granted [~~therefor~~] by the department of agriculture, in



1 its discretion, to scientists, scientific institutions,
2 associations, or colleges, or to officers, boards, or
3 commissions of the State or any county, shall be ~~[penalized~~
4 ~~pursuant to section 142-12.]~~ guilty of a misdemeanor."

5 SECTION 26. Section 142-95, Hawaii Revised Statutes, is
6 amended to read as follows:

7 "**§142-95 Rabbits, Belgian hares, to be kept off ground;**
8 **penalty.** (a) Any person who breeds, raises or keeps rabbits or
9 Belgian hares shall keep them off the ground.

10 (b) Any person who violates this section shall be ~~[fined~~
11 ~~not more than \$100 or imprisoned not more than six months, or~~
12 ~~both.]~~ guilty of a petty misdemeanor."

13 PART IV

14 SECTION 27. Section 145-5, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "**§145-5 Reports of consignment sales.** Every commission
17 merchant shall make a written report to the producer for farm
18 produce handled on consignment ~~[in]~~ on behalf of said producer
19 ~~[which shall be],~~ within ~~[such]~~ the time and ~~[in such detail]~~
20 manner as may be prescribed by the department. Making a false



1 or incorrect report shall constitute a misdemeanor under section
2 145-12."

3 SECTION 28. Section 145-12, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "~~\$145-12 [Misdemeanor-]~~ Criminal penalties. [Any] Unless
6 otherwise provided, any person who violates this chapter shall
7 be guilty of a misdemeanor and shall be fined [not] no more than
8 ~~[\$1,000]~~ \$2,000 or imprisoned ~~[not]~~ no more than one year, or
9 both."

10 SECTION 29. Section 145-22, Hawaii Revised Statutes, is
11 amended as follows:

12 1. By amending subsection (a) to read:

13 "(a) Every person, upon sale of any agricultural commodity
14 or upon transportation of lots of any agricultural commodity ~~[of~~
15 ~~more than two hundred pounds or with a value of at least \$100~~
16 ~~that is marketed for commercial purposes]~~, shall complete and
17 retain a certificate describing the commodity, the amount and
18 value of the commodity, and shall include:

19 (1) The seller's name, residence address, telephone
20 number, and license plate number of any vehicle used



1 by the seller to deliver the commodity to the place of
2 purchase;

3 (2) The name of the farm owner and address of origin;

4 (3) The name of the buyer or consignee, and destination;
5 and

6 (4) The signature of the seller and, upon sale, the
7 signature of the buyer or consignee."

8 2. By amending subsection (e) to read:

9 "(e) [This] A failure to comply with any requirement under
10 this section shall constitute a criminal offense subject to
11 penalties under section 145-25; provided that this section shall
12 not apply to the retail sale of an agricultural commodity to the
13 final consumer."

14 SECTION 30. Section 145-24, Hawaii Revised Statutes, is
15 amended to read as follows:

16 "[~~§~~§145-24~~§~~] **Authorization to inspect.** (a) Every law
17 enforcement officer or other officer or employee [~~as described~~
18 ~~in section 145-25~~] having [~~probable cause~~] reason to believe
19 based upon specific and articulable facts that the possession,
20 sale, or transportation of agricultural commodities is unlawful,
21 may take reasonable steps to detain the person having



1 possession, selling, or transporting the agricultural
2 commodities and request from the person being detained proof of
3 ownership of the commodities.

4 (b) For the purposes of this section, "officer or
5 employee" has the same meaning as in section 145-27."

6 SECTION 31. Section 145-25, Hawaii Revised Statutes, is
7 amended to read as follows:

8 **"§145-25 Enforcement; criminal penalties.** [Violations] In
9 addition to any civil or administrative penalties or remedies,
10 violations of this part or any rule adopted pursuant thereto
11 shall be criminal offenses and shall be sentenced as follows:

12 (1) [A violation] Any offense in which the value of the
13 agricultural commodity exceeds \$100 shall be a class C
14 felony; and

15 (2) [A violation] Any offense in which the value of the
16 agricultural commodity is \$100 or less shall be a
17 misdemeanor."

18 SECTION 32. Section 145-23, Hawaii Revised Statutes, is
19 repealed.

20 ~~["§145-23 Lack of proof of ownership as a violation. The~~
21 ~~failure of any person who sells, transports, or possesses after~~



1 ~~sale or transport, agricultural commodities to maintain a~~
2 ~~certificate of ownership or other written proof of ownership of~~
3 ~~the agricultural commodity, as described in section 145-22, is a~~
4 ~~violation of this part and also prima facie evidence of an~~
5 ~~offense under section 708-831(1)(c)."]~~

6 PART V

7 SECTION 33. Section 146-22, Hawaii Revised Statutes, is
8 amended to read as follows:

9 "§146-22 **Reports.** Every person who slaughters a calf,
10 heifer, cow, steer, or bull, whether wild or domesticated, at
11 any place other than a duly licensed slaughterhouse shall comply
12 with section 146-21 and~~[, in addition thereto, shall forthwith]~~
13 report ~~[such]~~ the slaughtering to the officer in charge of
14 recording brands. ~~[Such]~~ The report shall include a description
15 of the animal slaughtered, including its sex and a full
16 description of each and every brand on the animal, the date and
17 place of slaughter, and the name of the person from whom, and
18 date when, the animal was acquired. If any of the described
19 brands on the animal appear to be altered, removed, or
20 obliterated, as described in section 142-47, or to be
21 ~~[felonious,]~~ prohibited, as described in section 142-48, the



1 person discovering the altered, removed, obliterated, or
2 prohibited brand shall make a report of the altered, removed,
3 obliterated, or [felonious] prohibited brand to any branding
4 inspector, as provided by law, and the appropriate law
5 enforcement agency [pursuant to rules adopted by the department
6 of agriculture]."

7 PART VI

8 SECTION 34. Section 183D-5, Hawaii Revised Statutes, is
9 amended to read as follows:

10 **"§183D-5 Penalties.** (a) Any person violating section
11 183D-21, 183D-25, 183D-33, or 183D-63 or any rule adopted under
12 this chapter shall be guilty of a petty misdemeanor, and upon
13 conviction thereof, shall be [punished] sentenced as follows[+],
14 without possibility of probation or suspension of sentence:

15 (1) For a first [~~conviction, by~~] offense, or any offense
16 not preceded within a five-year period by a conviction
17 for an offense under the same section, a mandatory
18 fine of [~~not~~] no less than \$100, or imprisonment of
19 [~~not more~~] no less than [thirty] three consecutive
20 days, or both;



1 (2) For [~~a second conviction~~] an offense that occurs
2 within five years of a previous conviction[~~, by~~] for
3 an offense under the same section, a mandatory fine of
4 [~~not~~] no less than \$500, or [~~by~~] imprisonment of [~~not~~
5 more] no less than [~~thirty~~] ten days, or both[~~, and~~];
6 provided that all firearms used in the commission of
7 the violations shall be considered contraband to be
8 forfeited to and disposed of by the State; and

9 (3) For [~~a third or subsequent conviction~~] an offense that
10 occurs within five years of [~~the first~~] two or more
11 convictions[~~, by~~] for offenses under the same section,
12 a mandatory fine of [~~not less than~~] \$1,000, or [~~by~~]
13 imprisonment of [~~not more than~~] thirty days, or both[~~, and~~];
14 provided that all firearms used in the
15 commission of the violations shall be considered
16 contraband to be forfeited to and disposed of by the
17 State.

18 (b) Any person violating section 183D-66, 183D-25.5,
19 [~~183D-26, 183D-27,~~] 183D-32, 183D-62, or 183D-64 shall be guilty
20 of a misdemeanor, and upon conviction thereof, shall be
21 [~~punished~~] sentenced as follows:



1 (1) For a first [~~conviction by~~] offense, or any offense
2 not preceded within a five-year period by a conviction
3 for an offense under the same section, a mandatory
4 fine of [~~not~~] no less than \$200, or [~~by~~] imprisonment
5 of [~~not more than one year,~~] no less than five days,
6 or both [~~and~~]; provided that all animal parts,
7 products, or items containing prohibited animal parts
8 or products involved in the commission of the
9 violations shall be considered contraband to be
10 forfeited to and disposed of by the State;

11 (2) For [~~a second conviction~~] an offense that occurs
12 within five years of a previous conviction[~~, by~~] for
13 an offense under the same section, a mandatory fine of
14 [~~not~~] no less than \$1,000, or [~~by~~] imprisonment of
15 [~~not more than one year,~~] no less than thirty days, or
16 both[~~, and~~]; provided that all firearms, animal parts,
17 products, or items containing prohibited animal parts
18 or products used in the commission of the violations
19 shall be considered contraband to be forfeited to and
20 disposed of by the State; and



1 (3) For [~~a third or subsequent conviction~~] an offense that
2 occurs within five years of [~~the first~~] two or more
3 previous convictions[~~, by~~] for offenses under the same
4 section, a mandatory fine of [~~not~~] no less than
5 \$2,000, or [~~by~~] imprisonment of [~~not more than one~~
6 year], no less than ninety days, or both[~~, and~~];
7 provided that all firearms, animal parts, products, or
8 items containing prohibited animal parts or products
9 used in the commission of the violations shall be
10 considered contraband to be forfeited to and disposed
11 of by the State.

12 (c) Any person who violates section 183D-52 shall be
13 guilty of a misdemeanor, and upon conviction thereof, shall be
14 [~~punished~~] sentenced as follows:

15 (1) For a first [~~conviction, by~~] offense, or any offense
16 not preceded within a five-year period by a conviction
17 for an offense under the same section, a mandatory
18 fine of [~~not~~] no less than \$10,000 and payment of any
19 costs incurred in the eradication of any deer and the
20 deer's progeny that has been possessed, transferred,



transported, or released after transport, or [by]
imprisonment of [~~not~~] no more than one year, or both;

(2) For [~~a second conviction~~] an offense that occurs
within five years of a previous conviction[~~, by~~] for
an offense under the same section, a mandatory fine of
[~~not~~] no less than \$15,000 and payment of any costs
incurred in the eradication of any deer and the deer's
progeny that has been possessed, transferred,
transported, or released after transport, or [by]
imprisonment of [~~not~~] no more than one year, or both;
and

(3) For [~~a third or subsequent conviction~~] an offense that
occurs within five years of [~~the first~~] two or more
previous convictions[~~, by~~] for offenses under the same
section, a mandatory fine of [~~not~~] no less than
\$25,000 and payment of any costs incurred in the
eradication of any deer and the deer's progeny that
has been possessed, transferred, transported, or
released after transport, or [by] imprisonment of
[~~not~~] no more than one year, or both.



1 (d) Any person who violates section 183D-26 or 183D-27
2 shall be guilty of a class C felony, and upon conviction
3 thereof, shall be sentenced as follows, without possibility of
4 probation or suspension of sentence:

5 (1) For a first offense, or any offense not preceded
6 within ten years of a previous conviction for an
7 offense under the same section, a mandatory fine of no
8 less than \$1,000 or imprisonment of no less than
9 thirty days, or both; provided that all firearms,
10 hunting animals, vehicles, animal parts, products, or
11 items containing prohibited animal parts or products
12 involved in the commission of the violations shall be
13 considered contraband to be forfeited to and disposed
14 of by the State;

15 (2) For an offense that occurs within ten years of a
16 previous conviction for an offense under the same
17 section, a fine of no less than \$2,000, or
18 imprisonment of no less than ninety days, or both;
19 provided that all firearms, hunting animals, vehicles,
20 animal parts, products, or items containing prohibited
21 animal parts or products used in the commission of the



1 violations shall be considered contraband to be
2 forfeited to and disposed of by the State; and
3 (3) For an offense that occurs within ten years of two or
4 more previous convictions for offenses under the same
5 section, a fine of \$5,000, and:
6 (A) An indeterminate term of imprisonment of five
7 years; provided that the minimum term of
8 imprisonment shall not be less than one year; or
9 (B) A term of probation of five years, with
10 conditions to include but not be limited to one
11 year of imprisonment;
12 provided that all firearms, hunting animals, vehicles,
13 animal parts, products, or items containing prohibited
14 animal parts or products used in the commission of the
15 violations shall be considered contraband to be
16 forfeited to and disposed of by the State.
17 ~~[(d)]~~ (e) Any person who violates section 183D-35,
18 183D-36, 183D-37, 183D-38, 183D-39, 183D-40, or 183D-42 shall be
19 guilty of a petty misdemeanor, and upon conviction thereof,
20 shall be fined ~~[not]~~ no less than \$100 or imprisoned ~~[not]~~ no
21 more than thirty days, or both.



1 ~~[(e)]~~ (f) In addition to any other penalty imposed under
2 this section, a mandatory fine of \$100 shall be levied for each
3 bird illegally taken under this chapter and a mandatory fine of
4 \$500 shall be levied for each mammal illegally taken under this
5 chapter.

6 ~~[(f)]~~ (g) Any person who is convicted of violating any of
7 the game laws of the State shall immediately have the person's
8 hunting license forfeited and any person convicted for a second
9 offense shall not be granted a license to hunt for a period of
10 three years after the date of the second conviction.

11 ~~[(g)]~~ (h) The environmental court, in lieu of the actual
12 cash payment of any mandatory fine, may allow the defendant to
13 perform the community service as directed by the department of
14 land and natural resources at the rate of one hour of service
15 for every \$10 of mandatory fine imposed.

16 ~~[(h)]~~ (i) Any criminal action against a person for any
17 violation of this chapter shall not be deemed to preclude the
18 State from pursuing civil legal action to recover administrative
19 fines and costs against that person. Any civil legal action
20 against a person to recover administrative fines and costs for
21 any violation of subtitle 4 of title 12 or any rule adopted



1 thereunder shall not be deemed to preclude the State from
2 pursuing any criminal action against that person."

3 SECTION 35. Section 183D-26, Hawaii Revised Statutes, is
4 amended to read as follows:

5 "§183D-26 Hunting on private lands prohibited~~[-]~~; written
6 authorization required. (a) No person shall intentionally or
7 knowingly enter or remain upon any land or premises belonging
8 to, held~~[7]~~ by, or occupied by another, for the purpose of
9 hunting or to take any kind of wildlife including game without
10 first having obtained ~~[permission from]~~ written authorization
11 signed by the owner or a duly appointed agent~~[, if the owner is~~
12 ~~the occupier or holder, or if the owner has let another occupy~~
13 ~~or hold the same, without having first obtained the permission~~
14 ~~of the occupier or holder thereof, or the duly appointed agent~~
15 ~~of the occupier or holder.]~~ of the owner.

16 (b) No person to whom written authorization has been
17 granted to enter or remain upon any land or premises belonging
18 to, held by, or occupied by another for the purpose of hunting
19 or taking any kind of wildlife shall allow any other person to
20 carry, display, or use the written authorization in any way.
21 Every person to whom a written authorization has been granted



1 shall physically possess the written authorization when hunting
2 and shall show the written authorization upon the demand of any
3 officer authorized to enforce the game laws of the State.

4 (c) For the purposes of this section, the fact that the
5 defendant is found upon any land or premises belonging to, held
6 by, or occupied by another shall be prima facie evidence that
7 the defendant knew that the defendant had entered or remained
8 upon the land or premises belonging to, held by, or occupied by
9 another.

10 (d) Any property used in the commission of an offense
11 under this section, or that facilitated or assisted in the
12 offense, including firearms, hunting animals, and vehicles,
13 shall be subject to forfeiture under chapter 712A.

14 ~~[(b)]~~ (e) No prosecution shall be brought under this
15 section, except upon the sworn complaint of the owner, occupier,
16 or holder of the land or premises, or a duly appointed agent~~[7]~~
17 of the owner, occupier, or holder, or if the owner, occupier, or
18 holder is either a corporation or a partnership, then the
19 complaint shall be sworn to by an officer of the corporation or
20 by one of the members of the partnership."



1 SECTION 36. Section 183D-27, Hawaii Revised Statutes, is
2 amended to read as follows:

3 **"§183D-27 Night hunting on private lands; prohibition.**

4 (a) Notwithstanding section 183D-26, no person shall [take or
5 pursue any game bird, game mammal, wild bird, or wild mammal at
6 night on privately owned lands,] intentionally or knowingly
7 enter or remain upon any land or premises belonging to, held by,
8 or occupied by another at night for the purpose of pursuing,
9 hunting, taking, or attempting to pursue, hunt, or take any kind
10 of wildlife, including game, thereupon, except as authorized by
11 the department pursuant to section 183D-61. For the purpose of
12 this [section,] subsection, "night" means the period between
13 [one-half hour after sunset and one-half hour before sunrise.]
14 seven o'clock p.m. and six o'clock a.m.

15 (b) For purposes of this section, the fact that the
16 defendant is found upon any land or premises belonging to, held
17 by, or occupied by another shall be prima facie evidence that
18 the defendant knew that they had entered the land or premises
19 belonging to, held by, or occupied by another.

20 (c) Any property used in the commission of an offense
21 under this section, or that facilitated or assisted in the



1 offense, including firearms, hunting animals, and vehicles,
2 shall be subject to forfeiture under chapter 712A.

3 (d) No prosecution shall be brought under this section,
4 except upon the sworn complaint of the owner, occupier, or
5 holder of the land or premises, or a duly appointed agent of the
6 owner, occupier, or holder, or if the owner, occupier, or holder
7 is either a corporation or a partnership, then the complaint
8 shall be sworn to by an officer of the corporation or by one of
9 the members of the partnership."

10 SECTION 37. Section 183D-28, Hawaii Revised Statutes, is
11 amended by amending subsection (a) to read as follows:

12 "(a) The department shall establish a hunter education
13 program to provide instruction in hunter safety, principles of
14 conservation, the duties and prohibitions relating to hunting on
15 private lands, and sportsmanship. Upon successful completion of
16 the program, the department shall issue to the graduate a hunter
17 education certificate [~~which~~] that shall be valid for the life
18 of the person. This certification shall be rescinded by
19 judicial action upon the conviction of a wildlife [~~and/or~~] or
20 firearms violation[-], or both. No person shall be eligible for
21 a hunting license unless the person possesses a valid hunter



1 education certificate or meets the requirements for exemption
2 provided in subsection (b)(2), and is either:

3 (1) Born after December 31, 1971; or

4 (2) Born before January 1, 1972, and has never been issued
5 a hunting license in the State."

6 PART VII

7 SECTION 38. Chapter 708, Hawaii Revised Statutes, is
8 amended by adding a new section to part III to be appropriately
9 designated and to read as follows:

10 "§708-A Criminal trespass on agricultural land. (1) A
11 person commits the offense of criminal trespass on agricultural
12 land if the person enters or remains unlawfully on agricultural
13 land without the permission of the owner of the land, the
14 owner's agent who is authorized by the owner to give the
15 permission, or the person in lawful possession of the land, and
16 the agricultural land:

17 (a) Is fenced, enclosed, or secured in a manner designed
18 to exclude intruders or marked by a structure or
19 barrier, including a cattle grid, cattle grate, or
20 other obstacle, used to secure livestock;



- 1 (b) Has a sign or signs displayed on unenclosed cultivated
2 or uncultivated agricultural lands reading as
3 follows: "Agricultural Land - No Trespassing." The
4 sign or signs, containing letters not less than two
5 inches in height, shall be placed at reasonable
6 intervals no less than three signs to a mile along the
7 boundary line of the land and at roads and trails
8 entering the land in a manner and position as to be
9 clearly noticeable from outside the boundary line; or
10 (c) At the time of entry, is fallow or has a visible
11 presence of livestock-raising, such as cattle, horses,
12 water troughs, shelters, or paddocks, or a crop:
13 (i) Under cultivation;
14 (ii) In the process of being harvested; or
15 (iii) That has been harvested.
16 (2) Subsection (1) shall not apply to:
17 (a) A process server who enters or remains in or upon the
18 land or premises of another, unless the land or
19 premises are secured with a fence and locked gate, for
20 the purpose of making a good faith attempt to perform



1 the process server's legal duties and to serve process
2 upon any of the following:

3 (i) An owner or occupant of the land or premises;

4 (ii) An agent of the owner or occupant of the land or
5 premises; or

6 (iii) A lessee of the land or premises.

7 For the purposes of this paragraph, "process server"
8 means any person authorized under the Hawaii rules of
9 civil procedure, district court rules of civil
10 procedure, or Hawaii family court rules to serve
11 process; or

12 (b) A professional land surveyor, or assistant under the
13 direct supervision of the professional land surveyor,
14 who enters or remains in or upon the land or premises
15 of another for the purpose of performing land
16 surveying at the request of the landowner of, or
17 person with an interest in, the real property to be
18 surveyed.

19 (3) Except as provided in subsection (4), criminal
20 trespass on agricultural land is a misdemeanor, and any person



1 who violates this section shall be sentenced as follows without
2 possibility of probation or suspension of sentence:

3 (a) For a first offense or any offense not preceded within
4 five years of a previous conviction for an offense
5 under this section:

6 (i) A term of imprisonment of no less than three
7 consecutive days; and

8 (ii) A fine of no less than \$500;

9 (b) For an offense that occurs within five years of a
10 previous conviction for an offense under this section:

11 (i) A term of imprisonment of no less than thirty
12 days; and

13 (ii) A fine of no less than \$1,000; and

14 (c) For an offense that occurs within five years of two or
15 more previous convictions for offenses under this
16 section:

17 (i) A term of imprisonment of no less than ninety
18 days; and

19 (ii) A fine of \$2,000.

20 (4) Any person who violates this section while in
21 possession of a dangerous instrument shall be guilty of a class



1 C felony. For the purposes of this subsection, "dangerous
2 instrument" has the same meaning as in section 707-700.

3 (5) Any fines imposed in connection with the offense under
4 this section shall be deposited with the director of finance,
5 who shall transmit the fines to the agricultural crime
6 prevention special fund established pursuant to section 141-A.

7 (6) For the purposes of this section:

8 "Agricultural land" means any land used primarily for a
9 farming operation. "Agricultural land" includes state- and
10 county-owned agricultural land, privately owned agricultural
11 land, and land used for farm buildings and dwellings and roads
12 and irrigation infrastructure associated with those lands.

13 "Fallow" means land associated with agricultural production
14 that is left unseeded or unplanted for one or more growing
15 seasons.

16 "Farming operation" means a commercial agricultural or
17 aquacultural facility or pursuit, including the care and
18 production of livestock and livestock products, poultry and
19 poultry products, apiary products, and plant and animal
20 production for nonfood uses; the planting, cultivating,
21 harvesting, and processing of crops; and the farming or ranching



1 of any plant or animal species in a controlled salt, brackish,
2 or freshwater environment."

3 SECTION 39. Section 708-814, Hawaii Revised Statutes, is
4 amended by amending subsection (1) to read as follows:

5 "(1) A person commits the offense of criminal trespass in
6 the second degree if:

7 (a) The person knowingly enters or remains unlawfully in
8 or upon premises that are enclosed in a manner
9 designed to exclude intruders or are fenced;

10 (b) The person enters or remains unlawfully in or upon
11 commercial premises after a reasonable warning or
12 request to leave by the owner or lessee of the
13 commercial premises, the owner's or lessee's
14 authorized agent, or a police officer; provided that
15 this paragraph shall not apply to any conduct or
16 activity subject to regulation by the National Labor
17 Relations Act.

18 For the purposes of this paragraph, "reasonable
19 warning or request" means a warning or request
20 communicated in writing at any time within a one-year
21 period inclusive of the date the incident occurred,



1 which may be evidenced by a copy of the previously
2 issued written warning or request, whether or not the
3 copy is posted at the premises or retained by the
4 county police department, and which may contain but is
5 not limited to the following information:

6 (i) A warning statement advising the person that the
7 person's presence is no longer desired on the
8 property for a period of one year from the date
9 of the notice, that a violation of the warning
10 will subject the person to arrest and prosecution
11 for trespassing pursuant to this subsection, and
12 that criminal trespass in the second degree is a
13 petty misdemeanor;

14 (ii) The legal name, any aliases, and a photograph, if
15 practicable, or a physical description, including
16 but not limited to sex, racial extraction, age,
17 height, weight, hair color, eye color, or any
18 other distinguishing characteristics of the
19 person warned;

20 (iii) The name of the person giving the warning along
21 with the date and time the warning was given; and



(iv) The signature of the person giving the warning,
the signature of a witness or police officer who
was present when the warning was given and, if
possible, the signature of the violator;

~~[(c) The person enters or remains unlawfully on
agricultural lands without the permission of the owner
of the land, the owner's agent, or the person in
lawful possession of the land, and the agricultural
lands:~~

~~(i) Are fenced, enclosed, or secured in a manner
designed to exclude intruders;~~

~~(ii) Have a sign or signs displayed on the unenclosed
cultivated or uncultivated agricultural land
sufficient to give notice and reading as follows:
"Private Property" or "Government Property - No
Trespassing". The sign or signs, containing
letters no less than two inches in height, shall
be placed at reasonable intervals no less than
three signs to a mile along the boundary line of
the land and at roads and trails entering the~~



1 ~~land in a manner and position as to be clearly~~
2 ~~noticeable from outside the boundary line; or~~

3 ~~(iii) At the time of entry, are fallow or have a~~
4 ~~visible presence of livestock or a crop:~~

5 ~~(A) Under cultivation;~~

6 ~~(B) In the process of being harvested; or~~

7 ~~(C) That has been harvested;~~

8 ~~(d)]~~ (c) The person enters or remains unlawfully on
9 unimproved or unused lands without the permission of
10 the owner of the land, the owner's agent~~[7]~~ who is
11 authorized to give the permission, or the person in
12 lawful possession of the land, and the lands:

13 (i) Are fenced, enclosed, or secured in a manner
14 designed to exclude the general public; or

15 (ii) Have a sign or signs displayed on the unenclosed,
16 unimproved, or unused land sufficient to give
17 reasonable notice and reads as follows: "Private
18 Property - No Trespassing", "Government Property
19 - No Trespassing", or a substantially similar
20 message; provided that the sign or signs shall
21 contain letters no less than two inches in height



1 and shall be placed at reasonable intervals no
2 less than three signs to a mile along the
3 boundary line of the land and at roads and trails
4 entering the land in a manner and position as to
5 be clearly noticeable from outside the boundary
6 line.

7 For the purposes of this paragraph, "unimproved
8 or unused lands" means any land upon which there is no
9 improvement; construction of any structure, building,
10 or facility; or alteration of the land by grading,
11 dredging, or mining that would cause a permanent
12 change in the land or that would change the basic
13 natural condition of the land. Land remains
14 "unimproved or unused land" under this paragraph
15 notwithstanding minor improvements, including the
16 installation or maintenance of utility poles, signage,
17 and irrigation facilities or systems; minor
18 alterations undertaken for the preservation or prudent
19 management of the unimproved or unused land, including
20 the installation or maintenance of fences, trails, or
21 pathways; maintenance activities, including forest



1 plantings and the removal of weeds, brush, rocks,
2 boulders, or trees; and the removal or securing of
3 rocks or boulders undertaken to reduce risk to
4 downslope properties; or

5 [~~(e)~~] (d) The person enters or remains unlawfully in or
6 upon any area of a housing project that is closed to
7 the public pursuant to section 356D-6.7 and meets the
8 signage requirements of section 356D-6.7, or the
9 person enters or remains unlawfully in or upon any
10 property that is subject to section 356D-6.7 and meets
11 the signage requirements of section 356D-6.7 after a
12 reasonable warning or request to leave by the housing
13 authority or law enforcement officer, as defined in
14 section 710-1000, based upon an alleged violation of
15 law or administrative rule, notwithstanding any
16 invitation or authorization provided to the person by
17 a tenant of that housing project or a member of that
18 tenant's household.

19 As used in this paragraph:

20 "Housing authority" means a property manager,
21 resident manager, tenant monitors, security guards, or



1 others officially designated by the Hawaii public
2 housing authority, for the housing project.

3 "Housing project" means a public housing project,
4 or elder or elderly housing as defined in
5 section 356D-1, or state low-income housing project as
6 defined in section 356D-51.

7 "Reasonable warning or request" means a warning
8 or request communicated in writing at any time within
9 a one-year period inclusive of the date the incident
10 occurred, which may contain but is not limited to the
11 following information:

- 12 (i) A warning statement advising the person that
13 for a period of one year from the date of
14 the notice, the person's presence is no
15 longer desired in or on the areas of the
16 subject housing project that are closed to
17 the public, that a violation of the warning
18 will subject the person to arrest and
19 prosecution for trespassing pursuant to this
20 subsection, and that criminal trespass in
21 the second degree is a petty misdemeanor;



(ii) The legal name, any aliases, and a photograph, if practicable, or a physical description, including but not limited to sex, racial extraction, age, height, weight, hair color, eye color, or any other distinguishing characteristics of the person warned;

(iii) The name of the person giving the warning along with the date and time the warning was given;

(iv) The signature of the person giving the warning and, if possible, the signature of the violator; and

(v) The name and signature of a witness or law enforcement officer, as defined in section 710-1000, who was present when the warning was given."

SECTION 40. Section 708-820, Hawaii Revised Statutes, is amended by amending subsection (2) to read as follows:

"(2) Criminal property damage in the first degree is a class B felony[~~-~~]; provided that any person convicted of



1 violating subsection (1)(d) shall be sentenced to a term of
2 imprisonment of no less than one hundred eighty days, without
3 possibility of probation or suspension of sentence."

4 SECTION 41. Section 708-821, Hawaii Revised Statutes, is
5 amended by amending subsection (2) to read as follows:

6 "(2) Criminal property damage in the second degree is a
7 class C felony[-]; provided that any person convicted of
8 violating subsection (1)(c) shall be sentenced to a term of
9 imprisonment of no less than ninety days, without possibility of
10 probation or suspension of sentence."

11 SECTION 42. Section 708-822, Hawaii Revised Statutes, is
12 amended by amending subsection (2) to read as follows:

13 "(2) Criminal property damage in the third degree is a
14 misdemeanor[-]; provided that any person convicted of violating
15 subsection (1)(c) shall be sentenced to a term of imprisonment
16 of no less than thirty days, without possibility of probation or
17 suspension of sentence."

18 PART VIII

19 SECTION 43. Section 712A-4, Hawaii Revised Statutes, is
20 amended to read as follows:



1 **"§712A-4 Covered offenses.** Offenses for which property is
2 subject to forfeiture under this chapter are:

- 3 (a) All offenses that specifically authorize forfeiture;
4 (b) Murder; kidnapping; labor trafficking; unlicensed sale
5 of liquor; unlicensed manufacture of liquor; gambling;
6 criminal property damage; robbery; bribery; extortion;
7 theft; unauthorized entry into motor vehicle;
8 burglary; money laundering; trademark counterfeiting;
9 insurance fraud; promoting a dangerous, harmful, or
10 detrimental drug; commercial promotion of marijuana;
11 methamphetamine trafficking; manufacturing of a
12 controlled substance with a child present; promoting
13 child abuse; promoting prostitution; sex trafficking;
14 commercial sexual exploitation of a minor; habitual
15 commercial sexual exploitation; or electronic
16 enticement of a child that is chargeable as a felony
17 offense under state law;
18 (c) The manufacture, sale, or distribution of a controlled
19 substance in violation of chapter 329, promoting
20 detrimental drugs or intoxicating compounds, promoting
21 pornography, promoting pornography for minors, or



1 commercial sexual exploitation near schools or public
2 parks, which is chargeable as a felony or misdemeanor
3 offense, but not as a petty misdemeanor, under state
4 law; ~~and~~]

5 (d) The attempt, conspiracy, solicitation, coercion, or
6 intimidation of another to commit any offense for
7 which property is subject to forfeiture[-] and

8 (e) Criminal trespass on agricultural land under section
9 708-A."

10 PART IX

11 SECTION 44. There is appropriated out of the general
12 revenues of the State of Hawaii the sum of \$ or so
13 much thereof as may be necessary for fiscal year 2025-2026 and
14 the same sum or so much thereof as may be necessary for fiscal
15 year 2026-2027 to carry out the purposes of this Act and for the
16 hiring of necessary staff, including:

17 (1) full-time equivalent (FTE) grant chief
18 positions, to assist with the awarding of grants
19 pursuant to section 141-B, Hawaii Revised Statutes;

20 (2) full-time equivalent (FTE) supervising brand
21 inspector positions; and



1 (3) full-time equivalent (FTE) brand inspector
2 positions for each county.

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

5 PART X

6 SECTION 45. This Act does not affect rights and duties
7 that matured, penalties that were incurred, and proceedings that
8 were begun before its effective date.

9 SECTION 46. In codifying the new sections added by
10 sections 2, 3, 4, and 38 of this Act, the revisor of statutes
11 shall substitute appropriate section numbers for the letters
12 used in designating the new sections in this Act.

13 SECTION 47. Statutory material to be repealed is bracketed
14 and stricken. New statutory material is underscored.

15 SECTION 48. This Act shall take effect on July 1, 3000.



Report Title:

DOA; Agricultural Crime; Branding; Inspectors; Agricultural
Crime Prevention Program; Appropriations

Description:

Establishes an agricultural crime prevention program within the Department of Agriculture to provide grants, education, administrative enforcement, and other services for the benefit of the State's agricultural industry. Clarifies, creates, and strengthens laws regarding crimes and violations related to agriculture or agricultural lands and hunting on private agricultural lands. Establishes clear distinctions between administrative and criminal penalties. Appropriates funds. Effective 7/1/3000. (HD1)

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

