

JAN 17 2025

A BILL FOR AN ACT

RELATING TO AGRICULTURAL CRIMES.

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

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

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



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

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



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

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

20 The legislature finds that there is no existing consistent
21 and reliable funding mechanism in place to support the efforts



1 of an independent agency to enforce laws related to agricultural
2 crimes, such as the Hawaii agricultural crimes council. The
3 legislature further finds that secure funding for the Hawaii
4 agricultural crimes council is necessary to ensure its continued
5 operation and functions, including but not limited to the
6 purchase of necessary equipment and appropriation for position
7 salaries.

8 Accordingly, the purpose of this Act is to:

- 9 (1) Establish the Hawaii agricultural crimes council;
10 (2) Require the department of agriculture to collaborate
11 with and support the council; and
12 (3) Provide dedicated funding through the animal industry
13 special fund for the council's establishment and
14 continued operations.

15 SECTION 2. The Hawaii Revised Statutes is amended by
16 adding a new chapter to be appropriately designated and to read
17 as follows:

18 **"CHAPTER**

19 **HAWAII AGRICULTURAL CRIMES COUNCIL**

20 § -1 **Definitions.** In this chapter, unless the context
21 otherwise requires:



1 "Council" means the Hawaii agricultural crimes council.

2 "Department" means the department of agriculture.

3 § -2 Hawaii agricultural crimes council; establishment;
4 composition; executive director. (a) There is established the
5 Hawaii agricultural crimes council for the special purpose of
6 developing agricultural crime prevention, problem solving, and
7 crime control recommendations and implementing related programs
8 to encourage timely reporting of agricultural crimes and to
9 evaluate the results of these activities.

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

- 12 (1) The chairperson of the board of agriculture;
13 (2) The attorney general;
14 (3) The prosecuting attorney of each county;
15 (4) The director of law enforcement;
16 (5) The chief of police of each county;
17 (6) individuals with experience as an agricultural
18 producer in the State, to be appointed by the governor
19 without regard to section 26-34, Hawaii Revised
20 Statutes;



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

(8) individuals who serve as community representatives, to be appointed by the governor without regard to section 26-34, Hawaii Revised Statutes.

(c) The members shall serve for four-year terms. The council shall select a chairperson from among its members. The members shall serve without compensation but shall be reimbursed for expenses, including travel expenses, necessary for the performance of their duties.

(d) The council shall appoint, exempt from chapters 76 and 84, an executive director, who shall serve at the pleasure of the council. The executive director shall oversee the operations, strategic planning, and coordination with stakeholders in the State's agricultural community.

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

The Hawaii agricultural crimes council shall provide policy level direction, coordination, and planning among appropriate state and county departments to provide for the protection and



1 safety of the State's agricultural industry by creating
2 statewide standards and methods of detecting and tracking
3 agricultural crimes.

4 (b) The council shall develop an agricultural crime
5 prevention program that includes a system for reporting
6 agricultural crimes that enables the swift recovery of stolen
7 goods and the apprehension of criminal suspects for prosecution.
8 The council may develop computer software and use communication
9 technology to implement the reporting system; provided that the
10 council shall not be limited to the use of these means to
11 achieve its stated goals.

12 (c) The council shall develop a uniform procedure for all
13 counties to collect, and each county shall collect, data on
14 agricultural crimes. The council shall also establish a central
15 database for the collection and maintenance of data on
16 agricultural crimes. The counties shall adopt ordinances for
17 the implementation and administration of this section.

18 (d) The council shall examine existing state laws
19 concerning agricultural crimes and consider proposed legislation
20 to strengthen laws and penalties.



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

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

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

- (1) How to understand agricultural crime victims;
- (2) Appointing designated points of contacts within county law enforcement agencies to handle reports of agricultural crimes; and
- (3) The establishment of a task force to educate producers and consumers about agricultural crimes, crime prevention for agricultural producers, and how to conduct follow up investigations on reports of agricultural crime.

(g) The council may consult with experts from the United States military, state department of defense, Department of



1 Justice, other law enforcement agencies, and various other state
2 and private organizations as deemed necessary to maximize the
3 effectiveness of the council.

4 (h) The council shall ensure necessary funding for
5 agricultural crime suppression programs.

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

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

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

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

16 (k) The council may adopt rules pursuant to chapter 91 to
17 effectuate this chapter.

18 (l) The council shall submit annual reports to the
19 legislature, no later than twenty days prior to the convening of
20 each regular session, detailing:



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

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

(3) Any recommendations or proposed legislation.

§ -4 Agricultural crimes control; investigators; powers; duties. The council shall appoint and commission one or more investigators as required to investigate agricultural crimes. Persons appointed and commissioned under this section may exercise all the powers and authority of a law enforcement officer or of a deputy sheriff; provided that the persons so appointed and commissioned shall not carry any firearms. An investigator appointed under this section shall focus their efforts on agricultural crimes and work with the counties as partners to address and prevent agricultural crime on a state and local basis."

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

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



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

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

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

(2) Encourage and cooperate with the agricultural extension service and agricultural experiment station of the University of Hawaii and all private persons and organizations doing work of an experimental or educational character coming within the scope of the subject matter of chapters 141, 142, and 144 to 150A,



1 and avoid, as far as practicable, duplicating the work
2 of those persons and organizations;

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

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



germane to the subject matters of chapters 141, 142,
and 144 to 150A, and make laws and publications
available for public information and consultation;

(5) Provide buildings, grounds, apparatus, and
appurtenances necessary for the examination,
quarantine, inspection, and fumigation provided for by
chapters 141, 142, and 144 to 150A; for the obtaining,
propagation, study, and distribution of beneficial
insects, growths, and antidotes for the eradication of
insects, blights, scales, or diseases injurious to
vegetation of value and for the destruction of
injurious vegetation; and for carrying out any other
purposes of chapters 141, 142, and 144 to 150A;

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

(7) Publish at the end of each year a report of the
expenditures and proceedings of the department and of
the results achieved by the department, together with



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

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



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

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

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

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

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



1 agricultural industry, and fostering
2 intergovernmental relationships between
3 departments and agencies that are tasked with
4 regulating and enforcing agricultural laws in the
5 State;

6 (C) Assisting in the development of policies,
7 strategies, and educational programs that raise
8 awareness of agricultural crimes and prevent
9 illegal activities in the agricultural industry;

10 (D) Designating a liaison within the department to
11 serve as the primary point of contact for the
12 Hawaii agricultural crimes council and coordinate
13 joint efforts between the department and the
14 council;

15 (E) Supporting joint task forces or initiatives that
16 focus on high priority agricultural crime issues
17 and cases, as directed by the Hawaii agricultural
18 crimes council; and

19 (F) Providing resources and funding to facilitate the
20 operations of the Hawaii agricultural crimes



1 council that strengthen statewide agricultural
2 crimes enforcement efforts, as appropriate;

3 (11) Partner with other state and federal agencies, law
4 enforcement, and stakeholders to address agricultural
5 crimes and ensure that a full range of resources and
6 expertise is available to protect Hawaii's
7 agricultural industry; and

8 (12) Periodically report to the governor and the
9 legislature on the progress and outcomes of the
10 department's collaboration with the Hawaii
11 agricultural crimes council, including any proposed
12 legislation or policy recommendations."

13 SECTION 4. Section 142-3.6, Hawaii Revised Statutes, is
14 amended to read as follows:

15 **"§142-3.6 Animal industry special fund.** There is
16 established the animal industry special fund to be administered
17 by the board of agriculture. Moneys received by the board of
18 agriculture from:

19 (1) The use or rental of the division of animal industry's
20 properties or facilities, including the animal



1 quarantine property or facilities pursuant to section
2 142-3.5;

3 (2) Revenue from fees for diagnostic, surveillance, and
4 other work by the animal industry division veterinary
5 laboratory and animal disease control branch; ~~and~~

6 (3) Moneys, revenue, and fines received and processed by
7 the Hawaii agricultural crimes council; and

8 ~~[(3)]~~ (4) Appropriations or other moneys made available,
9 shall be deposited into the special fund.

10 All interest earned or accrued on moneys deposited in the
11 special fund shall become part of the special fund. Moneys in
12 the special fund shall be expended to cover costs of the
13 division of animal industry~~[7]~~ and the Hawaii agricultural
14 crimes council, including the costs of salaries, fringe
15 benefits, operating expenses, equipment, motor vehicles,
16 contract with any qualified person or entity for livestock
17 handling services, improvements to laboratory capabilities and
18 operations, and operating and maintenance of the animal industry
19 facilities; provided that moneys in the special fund may be used
20 to fund the department's resource management and planning
21 programs. A reserve shall be maintained in the special fund to



1 cover contingency costs, including accrued vacation leave,
2 unemployment insurance, and workers' compensation."

3 SECTION 5. There is appropriated out of the general
4 revenues of the State of Hawaii the sum of \$2,000,000 or so much
5 thereof as may be necessary for fiscal year 2025-2026 and the
6 same sum or so much thereof as may be necessary for fiscal year
7 2026-2027 for the establishment and operation of the Hawaii
8 agricultural crimes commission, to be expended as follows:

9 (1) \$ to establish one full-time equivalent

10 (1.0 FTE) executive director position;

11 (2) \$ to establish one full-time equivalent

12 (1.0 FTE) staff assistant position;

13 (3) \$ to establish two full-time equivalent

14 (2.0 FTE) deputy inspector positions; and

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

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

20 SECTION 6. Statutory material to be repealed is bracketed
21 and stricken. New statutory material is underscored.



S.B. NO. 762

1 SECTION 7. This Act shall take effect on July 1, 2025.

2

INTRODUCED BY:

Theresa M. Rivera



S.B. NO. 762

Report Title:

DOA; Hawaii Agricultural Crimes Council; Establishment; Animal Industry Special Fund; Appropriations

Description:

Establishes the Hawaii Agricultural Crimes Council. Expands the duties of the Department of Agriculture to collaborate with and support the Council. Authorizes the Council to withdraw and deposit moneys, revenues, and fines into and out of the Animal Industry Special Fund. Appropriates funds.

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