

JAN 17 2025

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# A BILL FOR AN ACT

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RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

1       SECTION 1. The legislature finds that, in a 2019 report,  
2 the United States Department of Agriculture found that  
3 agricultural theft and vandalism, and the expense of security  
4 measures to prevent these crimes in the State, cost farmers  
5 roughly \$14,400,000. In 2020, the Hawaii department of  
6 agriculture reported sixty-six cases of felony agricultural  
7 theft, thirty cases of trespassing, and forty-eight other  
8 related offenses in Hawaii county.

9       In 2024, a rancher was killed in a confrontation on Oahu,  
10 allegedly stemming from trespassing. This incident highlights  
11 the heightened opportunity for violent crimes to occur when  
12 weapons are present during disputes on farms and ranches.

13       The legislature further finds that agricultural crime is  
14 likely underreported throughout the State. The rural locations  
15 of ranches and farms can make it challenging for law enforcement  
16 agencies to timely respond to reports, especially agencies that  
17 may be understaffed or do not prioritize agricultural crimes



1 compared to other violent and property crimes. Consequently,  
2 the ability to prevent, investigate, and prosecute agricultural  
3 crimes statewide must be prioritized to ensure community safety  
4 on all islands.

5 The legislature recognizes that there is a recruitment  
6 challenge within the department of law enforcement, including  
7 the ability to recruit new law enforcement officers to serve in  
8 specific and identified areas of law enforcement. One solution  
9 to increase the pool of law enforcement candidates is to  
10 authorize individuals who have an aloha (love) or kuleana  
11 (responsibility) with the agricultural community to help with  
12 the deterrence, investigation, and enforcement of laws and rules  
13 directly relating to agricultural crimes and make a difference  
14 in the agricultural community in the State, including  
15 volunteers.

16 Accordingly, the purpose of this Act is to:

- 17 (1) Establish an agricultural enforcement program within  
18 the department of law enforcement;  
19 (2) Establish the agricultural enforcement special fund;  
20 and



1           (3)   Appropriate funds for and establish positions within  
2                   the agricultural enforcement program.

3           SECTION 2. Chapter 353C, Hawaii Revised Statutes, is  
4 amended by adding two new sections to be appropriately  
5 designated and to read as follows:

6           "§353C-A   Agricultural enforcement program.   (a)   There is  
7 established within the department an agricultural enforcement  
8 program. The department shall employ or appoint, and remove,  
9 the following persons, subject to chapter 76 and section 78-1:

10          (1)   An assistant chief, who shall be the administrator of  
11 the agricultural enforcement program and shall have  
12 charge, direction, and control, subject to the  
13 direction of control of the director, of all matters  
14 relating to the enforcement of the offense of theft of  
15 an agricultural product or commodity as defined in  
16 section 708-835.55, and any other matters as  
17 determined by the director. The assistant chief shall  
18 be an administrator experienced in addressing  
19 agricultural theft; and

20          (2)   Personnel, state law enforcement officers, and  
21 investigators, including but not limited to state law



1 enforcement officers serving on a voluntary basis  
2 without pay.

3 (b) In addition to all police powers and duties, state law  
4 enforcement officers in the agricultural enforcement program  
5 shall:

6 (1) Focus on offenses under sections 708-830.5, 708-831,  
7 708-832, and 708-833 that involve the theft of an  
8 agricultural product or commodity;

9 (2) Gather evidence, conduct investigations, and conduct  
10 field observations, as required or assigned;

11 (3) Cooperate with any enforcement authorities of the  
12 federal, state, or county government in the  
13 development of programs and mutual aid agreements for  
14 agricultural activities within the State; and

15 (4) Carry out other duties and responsibilities as  
16 determined by the director.

17 (c) The department shall enter into memoranda of agreement  
18 with the division of conservation and resources enforcement of  
19 the department of land and natural resources and each county  
20 police department, as necessary, to effectuate the purposes of  
21 this section.



1        §353C-B    Agricultural enforcement special fund;

2    established.    (a)    There is established in the state treasury  
3    the agricultural enforcement special fund to be administered by  
4    the department.

5        (b)    The following shall be deposited into the agricultural  
6    enforcement special fund:

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

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

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

21       (4)    Appropriations by the legislature.



1        (c) The agricultural enforcement special fund shall be  
2 used for expenditures relating to the agricultural enforcement  
3 program established pursuant to section 353C-A, including:

4        (1) Training;

5        (2) Research;

6        (3) Equipment;

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

9        (5) Data collection and development;

10       (6) Information technology;

11       (7) Safety;

12       (8) Wireless communication;

13       (9) Management;

14       (10) Travel;

15       (11) Equipment rental;

16       (12) Repairs;

17       (13) Planning;

18       (14) Information;

19       (15) Education;

20       (16) Operations;



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

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

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

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

20       SECTION 3. There is appropriated out of the general  
21       revenues of the State of Hawaii the sum of \$                      or so much



1 thereof as may be necessary for fiscal year 2025-2026 and the  
2 same sum or so much thereof as may be necessary for fiscal year  
3 2026-2027 to be deposited into the agricultural enforcement  
4 special fund established pursuant to section 353C-B, Hawaii  
5 Revised Statutes.

6 SECTION 4. There is appropriated out of the agricultural  
7 enforcement special fund the sum of \$ or so much  
8 thereof as may be necessary for fiscal year 2025-2026 and the  
9 same sum or so much thereof as may be necessary for fiscal year  
10 2026-2027 for:

11 (1) The establishment of the following positions within  
12 the agricultural enforcement program established  
13 pursuant to section 353C-A, Hawaii Revised Statutes:

14 (A) One full-time equivalent (1.0 FTE) assistant  
15 chief position;

16 (B) Eight full-time equivalent (8.0 FTE) state law  
17 enforcement investigator positions; provided that  
18 the four counties shall be assigned two positions  
19 each; and

20 (C) Thirty-six full-time equivalent (36.0 FTE)  
21 uniformed state law enforcement officer positions





1 for patrol functions; provided that the counties  
2 of Hawaii, Kauai, and Maui shall be assigned  
3 eight positions each, and twelve positions shall  
4 be assigned to the city and county of Honolulu;  
5 and

6 (2) Other operating expenditures of the agricultural  
7 enforcement program established pursuant to section  
8 353C-A, Hawaii Revised Statutes.

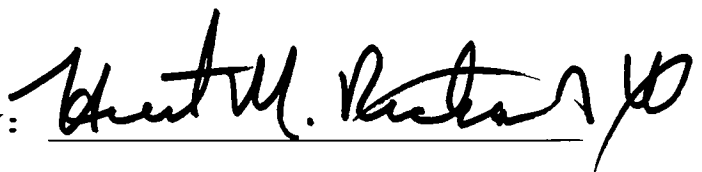
9 The sums appropriated shall be expended by the department  
10 of law enforcement for the purposes of this Act.

11 SECTION 5. In codifying the new sections added by  
12 section 2 of this Act, the revisor of statutes shall substitute  
13 appropriate section numbers for the letters used in designating  
14 the new sections in this Act.

15 SECTION 6. New statutory material is underscored.

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

17  
INTRODUCED BY:





# S.B. NO. 763

**Report Title:**

DLE; Agricultural Enforcement Program; Theft of an Agricultural Product or Commodity; Agricultural Enforcement Special Fund; Positions; Appropriations

**Description:**

Establishes the Agricultural Enforcement Program within the Department of Law Enforcement. Establishes the Agricultural Enforcement Special Fund. Establishes positions. Appropriates funds.

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

