THE SENATE
THIRTY-THIRD LEGISLATURE, 2025
STATE OF HAWAII

S.B. NO. 763 S.D. 2

A BILL FOR AN ACT

RELATING TO THE DEPARTMENT OF LAW ENFORCEMENT.

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

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

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

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

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

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

Accordingly, the purpose of this Act is to:

(1) Establish an agricultural enforcement program within the department of law enforcement;

(2) Establish the agricultural enforcement special fund; and

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

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

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

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

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

enforcement officers serving on a voluntary basis without pay.

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

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

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

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

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

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

§353C-B Agricultural enforcement special fund; established. (a) There is established in the state treasury the agricultural enforcement special fund to be administered by the department.

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

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

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

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

(4) Appropriations by the legislature.

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

(1) Training;

(2) Research;

(3) Equipment;

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

(5) Data collection and development;

(6) Information technology;

(7) Safety;

(8) Wireless communication;

(9) Management;

(10) Travel;

(11) Equipment rental;

(12) Repairs;

(13) Planning;

(14) Information;

(15) Education;

(16) Operations;

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

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

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

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

(e) For purposes of this section, "deputy director" means the deputy director of law enforcement."

SECTION 3. There is appropriated out of the general revenues of the State of Hawaii the sum of $ or so much thereof as may be necessary for fiscal year 2025-2026 and the same sum or so much thereof as may be necessary for fiscal year 2026-2027 to be deposited into the agricultural enforcement special fund established pursuant to section 353C-B, Hawaii Revised Statutes.

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

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

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

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

(C) Thirty-six full-time equivalent (36.0 FTE) uniformed state law enforcement officer positions for patrol functions; provided that the counties of Hawaii, Kauai, and Maui shall be assigned eight positions each, and twelve positions shall be assigned to the city and county of Honolulu; and

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

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

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

SECTION 6. New statutory material is underscored.

SECTION 7. This Act shall take effect on July 1, 2050.

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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. Effective 7/1/2050. (SD2)

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

