

STAND. COM. REP. NO. 731
Honolulu, Hawaii

RE: S.B. No. 219
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2021
State of Hawaii
Sir:

Your Committee on Judiciary, to which was referred S.B. No. 219, S.D. 1, entitled:
"A BILL FOR AN ACT RELATING TO CRIMES ON AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose and intent of this measure is to impose extended terms of imprisonment for certain offenses against property rights committed on agricultural lands.

Your Committee received testimony in support of this measure from the Department of Agriculture and Ulupono Initiative. Your Committee received testimony in opposition to this measure from the Office of the Public Defender, Community Alliance on Prisons, and two individuals.

Your Committee finds that agricultural crime is a persistent problem in the State despite efforts to install cameras, form community watch groups, and patrol farms. Agricultural theft, vandalism, trespassing, and recently murder have occurred on state agricultural lands. This measure imposes extended terms of imprisonment for certain crimes committed on state agricultural lands to protect the agricultural industry, agricultural lands, and public at-large, and acts as a deterrent to potential offenders.

Your Committee notes, however, that strict liability, the legal standard in which the state of mind of the offender is irrelevant, is generally reserved for the most egregious of crimes and circumstances, and that a requirement that the offender's presence on agricultural land is due at least to negligence is more appropriate.

Your Committee has amended this measure by:

- (1) Requiring an offense committed on agricultural lands to meet the legal standard of negligence or higher for an extended term of imprisonment to apply; and
- (2) Inserting an effective date of 5/6/2137, to encourage further discussion.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 219, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 219, S.D. 2.

Respectfully submitted on behalf of the members of the Committee on
Judiciary,

KARL RHOADS, Chair