

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii  
Sir:

Your Committee on Agriculture, to which was referred S.B. No. 219, S.D. 2, entitled:  
"A BILL FOR AN ACT RELATING TO CRIMES ON AGRICULTURAL LANDS,"

begs leave to report as follows:

The purpose of this measure is to impose extended terms of imprisonment and mandatory minimum terms of imprisonment for certain offenses against property rights committed while negligently on agricultural land.

Your Committee received testimony in support of this measure from the Department of Agriculture; Hawaii Farm Bureau; Hawaii Cattlemen's Council, Inc.; Ulupono Initiative; and one individual. Your Committee received testimony in opposition to this measure from one individual.

Your Committee finds that agricultural crime persists in Hawaii despite various efforts to combat the problem. This measure imposes extended terms of imprisonment and mandatory minimum terms of imprisonment in an attempt to deter potential offenders. However, your Committee discussed the concern that the mandatory minimum terms of imprisonment may not serve as a sufficient deterrent to the types of crimes subject to this measure.

Accordingly, your Committee has amended this measure by:

- (1) Removing the mandatory minimum terms of imprisonment proposed in this measure;
- (2) Removing the requirement that a person be negligently on agricultural land in order to be subject to this measure and instead creating a rebuttable presumption that the person has committed an offense against property rights when on agricultural land; and
- (3) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

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

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

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MARK J. HASHEM, Chair