

STAND. COM. REP. NO.

165

Honolulu, Hawaii

FEB 19 2009

RE: S.B. No. 1221  
S.D. 1

Honorable Colleen Hanabusa  
President of the Senate  
Twenty-Fifth State Legislature  
Regular Session of 2009  
State of Hawaii

Madam:

Your Committee on Education and Housing, to which was referred S.B. No. 1221 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC HOUSING,"

begs leave to report as follows:

The purpose of this measure is to amend the offense of criminal trespass in the first degree to include a person who enters or remains unlawfully in or upon the premises of a public housing project after reasonable request or warning to leave by housing authorities or a police officer, and to exclude an invited guest.

Testimony in support of this measure was submitted by one state agency and one private citizen. Testimony in opposition was submitted by one county agency and one private organization.

Your Committee has heard that the proposed language in this measure would be very difficult, if not impossible, for the Honolulu Police Department to enforce. A majority of the public housing projects have no onsite housing authority or security present during all hours of the day. Therefore, a "warning or request to leave" could not be established. In addition, a time period where no warning is necessary is impractical, as the police have no access to resident listings to verify who may be a resident or guest.

Your Committee has amended this measure accordingly, by:

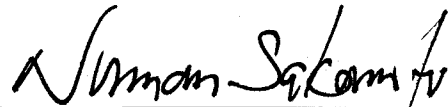
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- (1) Deleting the reference to a police officer and the time limitations;
- (2) Adding references to sections 356D-41 and 356D-51, Hawaii Revised Statutes, relating to how a public housing project is defined; and
- (3) Adding a definition of "housing authorities".

As affirmed by the record of votes of the members of your Committee on Education and Housing that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 1221, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 1221, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

Respectfully submitted on  
behalf of the members of the  
Committee on Education and  
Housing,




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NORMAN SAKAMOTO, Chair



The Senate  
Twenty-Fifth Legislature  
State of Hawaii

**Record of Votes**  
**Committee on Education and Housing**  
**EDH**

Bill / Resolution No.:*	Committee Referral:	Date:		
SB1221	EDH, J60	2-9-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312	<input checked="" type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
SAKAMOTO, Norman (C)	✓			
KIDANI, Michelle N. (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
GALUTERIA, Brickwood	✓			
TSUTSUI, Shan S.	✓			
HEMMINGS, Fred	✓			
<b>TOTAL</b>	6	0	0	0
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
<b>Distribution:</b>				
Original File with Committee Report	Yellow Clerk's Office	Pink Drafting Agency	Goldenrod Committee File Copy	

\*Only one measure per Record of Votes