

Honolulu, Hawaii

April 28, 2011

RE: H.B. No. 227
H.D. 2
S.D. 2
C.D. 1

Honorable Calvin K.Y. Say
Speaker, House of Representatives
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Honorable Shan S. Tsutsui
President of the Senate
Twenty-Sixth State Legislature
Regular Session of 2011
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the House of Representatives to the amendments proposed by the Senate in H.B. No. 227, H.D. 2, S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this bill is to help protect owners of unimproved and unused land by, among other things:

- (1) Making entering or remaining unlawfully on unimproved or unused agricultural lands without permission the offense of criminal trespass in the second degree if the lands are fenced, enclosed, or secured, or if a sign that meets certain criteria is displayed to provide notice;
- (2) Deleting the statutory provision that a person who enters or remains on unimproved and apparently unused



land that is not fenced or otherwise enclosed in a manner designed to exclude intruders, unless notice against trespass has been given, is allowed to be on the land and is not trespassing;

- (3) Including evidence of livestock-raising, such as cattle, horses, water troughs, shelters, or paddocks, as a characteristic of agricultural lands onto which unauthorized entry constitutes entering or remaining unlawfully on agricultural lands;
- (4) Making entering or remaining unlawfully on agricultural lands without permission a civil offense if the land is fenced, enclosed, or secured; is marked with a sign that meets certain criteria to provide notice; or is fallow or has a visible presence of livestock-raising or a crop;
- (5) Limiting the liability of agricultural landowners for any injury, death, loss, or damage suffered by a trespasser, with certain exceptions; and
- (6) Adding definitions for "agricultural land", "fallow", "owner", "trespasser", and "unimproved or unused lands".

Your Committee on Conference has amended this bill by:

- (1) Simplifying the characteristics of agricultural lands onto which unauthorized entry constitutes criminal trespass in the second degree to lands that are fallow or have a visible presence of livestock or a crop at the time of entry; and
- (2) Making technical, nonsubstantive amendments for clarity consistency, and style.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of H.B. No. 227, H.D. 2, S.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as H.B. No. 227, H.D. 2, S.D. 2, C.D. 1.



Respectfully submitted on behalf
of the managers:

ON THE PART OF THE SENATE

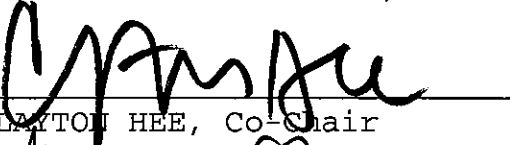
ON THE PART OF THE HOUSE



CLARENCE K. NISHIHARA, Chair



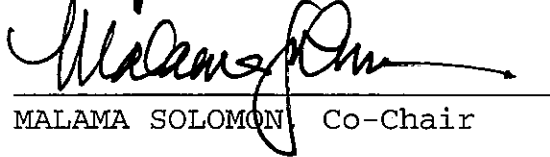
JERRY L. CHANG, Co-Chair



CLAYTON HEE, Co-Chair



CLIFT TSUJI, Co-Chair



MALAMA SOLOMON, Co-Chair



GILBERT KEITH-AGARAN, Co-Chair



