

STAND. COM. REP. NO. 934

Honolulu, Hawaii

March 4, 2011

RE: H.B. No. 227
H.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 227, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose of this bill is to help protect owners and occupants of unimproved and unused land by making entering or remaining unlawfully on unimproved or unused agricultural lands without permission an offense of criminal trespass in the second degree if the lands are fenced, enclosed, or secured, or a sign is displayed.

This bill also includes entering or remaining on agricultural lands that are fallow or have evidence of livestock at the time of entry in the offense of trespass in the second degree.

Big Island Farm Bureau; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; and a concerned individual supported this bill. The Department of Land and Natural Resources and Hawaii Farm Bureau Federation supported this measure with amendments. The Office of the Public Defender and Office of Hawaiian Affairs opposed this bill. The Department of the Attorney General provided comments.

Your Committee has amended this bill by:

- (1) Including a definition of "unimproved or unused land";

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- (2) Specifying that the lands must be fenced, enclosed, or secured in a manner designed to exclude the general public, rather than intruders;
- (3) Specifying that the displayed sign must read "Private Property - No Trespassing" rather than "Private Property";
- (4) Permitting the displayed sign to include a substantially similar message to that in paragraph (3) above;
- (5) Permitting the signs to be placed at reasonable intervals;
- (6) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

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 H.B. No. 227, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 227, H.D. 2.

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


GILBERT KEITH-AGARAN, Chair



