

STAND. COM. REP. NO.

830

Honolulu, Hawaii

MAR 22 2011

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

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

Sir:

Your Committee on Agriculture, to which was referred H.B. No. 227, H.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose and intent of this measure is to strengthen trespass provisions by amending the offense of criminal trespass in the second degree under section 708-814, Hawaii Revised Statutes, to also prohibit a person from entering or remaining unlawfully on "unimproved or unused lands" that are fenced, enclosed, or clearly marked by signage.

Your Committee received testimony in support of this measure from the Department of Agriculture; Department of Land and Natural Resources; Land Use Research Foundation of Hawaii; Hawaii Farm Bureau Federation; W.H. Shipman, Limited; Kamehameha Schools; Dole Food Company Hawaii; and Hawaii Cattlemen's Council. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs.

Your Committee finds that trespassing is a major problem for owners of unimproved or unused land. Trespassers often cause damage to property and crops and increase the liability of land owners. Trespassers also use unimproved and unused lands as illegal dump sites and places to conduct illicit activities. This measure extends current trespass laws to include trespassers on unimproved or unused lands.



Your Committee has amended this measure by:

- (1) Allowing government entities to post signs that read "Government Property - No Trespassing" to meet reasonable notice requirements;
- (2) Including irrigation facilities and systems under the types of minor improvements that do not change the status of unimproved or unused lands;
- (3) Creating a new section in part I of chapter 663, Hawaii Revised Statutes, to limit the liability of agricultural landowners for any injury, death, loss, or damage suffered by a trespasser; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 H.B. No. 227, H.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 227, H.D. 2, S.D. 1, and be referred to the Committee on Judiciary and Labor.

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

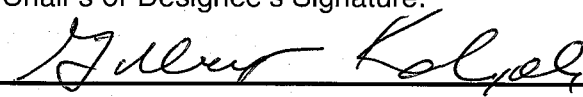
Clarence K. Nishihara

CLARENCE K. NISHIHARA, Chair



The Senate
 Twenty-Sixth Legislature
 State of Hawai'i

Record of Votes
Committee on Agriculture
AGL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB227, HD2	AGL, JDL	3-17-11		
<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
NISHIHARA, Clarence K. (C)	✓			
KAHELE, Gilbert (VC)	✓			
CHUN OAKLAND, Suzanne	✓			
DELA CRUZ, Donovan M.	✓			
KOUCHI, Ronald D.				✓
SHIMABUKURO, Maile	✓			
TOKUDA, Jill N.	✓			
WAKAI, Glenn	✓			
SLOM, Sam				✓
TOTAL	7			2
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes