

HB227,HD2,SD1

Testimony

NEIL ABERCROMBIE
GOVERNOR OF HAWAII



**STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES**

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**Testimony of
WILLIAM J. AILA, JR.
Chairperson**

**Before the Senate Committee on
JUDICIARY AND LABOR**

**Thursday, March 31, 2011
9:45 AM
State Capitol, Conference Room 016**

**In consideration of
HOUSE BILL 227, HOUSE DRAFT 2, SENATE DRAFT 1
RELATING TO TRESPASS**

House Bill 227 House Draft 2, Senate Draft 1 proposes to strengthen trespass provisions regarding a person who enters or remains unlawfully on unimproved or unused land by adding entering and remaining on unimproved or unused land that is fenced or enclosed, or with a "private property" sign, to the offense of criminal trespass in the second degree. The Department of Land and Natural Resources (Department) supports this bill.

The Department believes that government entities should be afforded the same degree of protection from unlawful trespass as private property owners. In particular, the Department appreciates the proposed amendment, in SECTION 2 of the bill, to Section 708-814, Hawaii Revised Statutes, with the addition of subsection 1(d)(ii) to read:

(ii) Have a sign or signs displayed on the unenclosed, unimproved, or unused land sufficient to give reasonable notice and reads as follows: "Private Property – No Trespassing", "Government Property – No Trespassing", or a substantially similar message; provided that the sign or signs shall contain letters not less than two inches in height and shall be placed at reasonable intervals along the boundary line of the land and at roads and trails entering the land in a manner and position as to be clearly noticeable from outside the boundary line.

The Department respectfully requests that this provision remains in the bill.

WILLIAM J. AILA, JR.
CHAIRPERSON
BOARD OF LAND AND NATURAL RESOURCES
COMMISSION ON WATER RESOURCE MANAGEMENT

GUY H. KAULUKUKUI
FIRST DEPUTY

WILLIAM M. TAM
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AQUATIC RESOURCES
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LAND
STATE PARKS



KAMEHAMEHA SCHOOLS

TESTIMONY TO THE SENATE COMMITTEE ON JUDICIARY AND LABOR

Hearing Date: Thursday, March 31, 2011
9:45 a.m., Conference Room 016

Good Morning Chair Hee and Vice Chair Shimabukuro:

RE: Testimony in Support of House Bill No. 227 HD2 SD1 - Relating to Trespass

I am Kapu C. Smith, Senior Land Asset Manager for Kamehameha Schools' Kawaihoa Plantation in Waiialua, Oahu. I am here to testify in support of HB 227 HD2 SD1. As with many other landowners, we face daily trespass by those who ignore our private property signs, cut our gates, steal from our tenants, illegally hunt, dump construction and household waste, damage our water systems by riding dirt bikes, ATV's or cars along the banks of the irrigation ditches or reservoirs, intimidate our farmers or workers because they are armed, and threaten those who confront them.

Despite this, the current law requires the landowner of agricultural land to **personally notice the trespasser before he/she can be charged with criminal trespass**. It doesn't recognize that the trespassers are normally armed, have hunting dogs, are confronting us miles away from the nearest town or police support and know they will not be charged with criminal trespass without written notification. As a result, they continue to trespass without fear of any consequence.

Thank you for the opportunity to testify in support of HB 227 HD2 SD1.

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