

Honolulu, Hawaii

APR 05 2013

RE: H.B. No. 87
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2013
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 87, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose and intent of this measure is to:

- (1) Broaden the offense of criminal trespass in the first degree to include a person who enters or remains unlawfully in or upon the premises of any public housing project after a reasonable warning or request to leave by housing authorities or a law enforcement officer;
- (2) Clarify that the warning or request to leave is not necessary between 10:00 p.m. and 5:00 a.m. at any public housing project that is closed to the public during those hours and has signs of a certain size and placement to provide sufficient notice of the closure;
and
- (3) Define housing authorities.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority. Testimony in opposition to this measure was submitted by the Office of the Public Defender.



Your Committee finds that the Hawaii Public Housing Authority continues to make improvements to security measures at many of the high risk housing projects, including the addition of fences, security fences, and photo identification cards for tenants. Enacting this measure will significantly improve the ability of the Authority to ensure a secure, livable community for residents. Meanwhile, the Authority will continue to work with local law enforcement and security personnel to refine policies and procedures to effectively keep residents safe and secure.

Your Committee notes the concerns raised by the Office of the Public Defender that the misdemeanor penalty may be too severe for a person who is convicted of criminal trespass in the first degree for remaining on the premises of a public housing project. The Office testified that a person may have any number of legitimate reasons for being on the grounds of a housing project during the time the housing project is closed to the public. Although the Office suggested that the penalty for entering or remaining on a public housing project premise after hours be lowered, the Hawaii Public Housing Authority testified that the misdemeanor penalty serves as a deterrent.

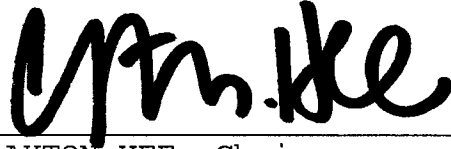
Your Committee has amended this measure by:

- (1) Adding state low-income housing projects, as defined in section 356D-51, Hawaii Revised Statutes, to the types of public housing projects to which this measure applies; and
- (2) Clarifying that a person who enters or remains unlawfully on public housing project premises after hours shall be guilty of a petty misdemeanor for the first violation and a misdemeanor for a second or subsequent violation.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 87, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 87, S.D. 2.



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

A handwritten signature in black ink, appearing to read "C. Hee", written over a horizontal line.

CLAYTON HEE, Chair



