

Honolulu, Hawaii

APR 1 2014

RE: H.B. No. 1660
H.D. 1
S.D. 1

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
H.B. No. 1660, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO SIDEWALKS,"

begs leave to report as follows:

The purpose and intent of this measure is to amend the
offense of obstructing to:

- (1) Specify that a person commits the offense whether alone or with others if the person having no legal privilege to do so knowingly or recklessly provides less than one meter of space for passage on any paved public sidewalk; and
- (2) Specify that a person in a gathering commits the offense if the person refuses to obey a reasonable request or order by a law enforcement officer to move to prevent or to cease any activity that would obstruct a highway or public passage or provide less than one meter of space for passage on any paved public sidewalk.

Your Committee received testimony in support of this measure from the Department of Transportation and thirty-one individuals. Your Committee received testimony in opposition to this measure from the Pacific Alliance to Stop Slavery, Kokua Council, and twenty-three individuals. Your Committee received comments on this measure from the American Civil Liberties Union of Hawaii.

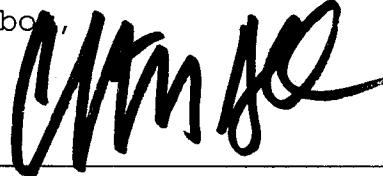


Your Committee finds that this measure includes under the offense of obstructing the act of a person knowingly or recklessly providing less than one meter of space for passage on any paved public sidewalk. However, your Committee notes the concerns raised in testimony that this measure disproportionately applies to the homeless or needy population. Your Committee further notes the testimony submitted by the Department of Transportation that the Americans with Disabilities Act (ADA) requires passage on a public sidewalk to be no less than thirty-six inches in space.

Accordingly, your Committee has amended this measure by adopting the language suggested by the Department of Transportation to delete the language regarding one meter of space for passage on any paved public sidewalk and inserting language that passage on any paved public sidewalk must be no less than thirty-six inches of space to comply with ADA requirements.

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. 1660, H.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 1660, H.D. 1, S.D. 1, and be placed on the calendar for Third Reading.

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




CLAYTON HEE, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* HB 1660, HD1	Committee Referral: JDL	Date: 3/20/14		
<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
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)		✓		
GABBARD, Mike	✓			
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam			✓	
TOTAL	4	1	1	1
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