

STAND. COM. REP. NO.

921

Honolulu, Hawaii

MAR 20 2013

RE: H.B. No. 740

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

Madam:

Your Committee on Human Services, to which was referred H.B. No. 740 entitled:

"A BILL FOR AN ACT RELATING TO OPEN CONTAINERS OF
INTOXICATING LIQUORS IN PUBLIC HOUSING,"

begs leave to report as follows:

The purpose and intent of this measure is to prohibit the possession or storage of an open container that contains intoxicating liquor on any sidewalk or common area within any public housing project under the jurisdiction of the Hawaii Public Housing Authority.

Your Committee received testimony in support of this measure from the Hawaii Public Housing Authority.

Your Committee finds that state law prohibits the consumption of intoxicating liquors on public sidewalks, including any sidewalk within a public housing project as defined in sections 356D-1 and 356D-91, Hawaii Revised Statutes, and in common areas of public housing projects. However, this prohibition can be difficult to enforce since it is limited by the word "consumption", requiring that either a law enforcement officer visibly observe a perpetrator in the action of imbibing intoxicating liquor or a witness be willing to testify to visibly observing a perpetrator in the act of imbibing intoxicating liquor. By broadening the prohibition to possession or storage of open intoxicating liquor containers, the requirement of physically observing a perpetrator in the act of imbibing in order to support



prosecution is removed, making violations easier to report and enforce.

Your Committee further finds that the existing prohibition on consumption of intoxicating liquors on public sidewalks and common areas of public housing projects applies only to federal low-income public housing under the jurisdiction of the Hawaii Public Housing Authority. This measure additionally subjects state low-income public housing under the jurisdiction of the Hawaii Public Housing Authority to the prohibitions in this measure.

As affirmed by the record of votes of the members of your Committee on Human Services that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 740, and recommends that it pass Second Reading and be referred to the Committee on Judiciary and Labor.

Respectfully submitted on
behalf of the members of the
Committee on Human Services,

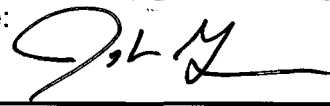


SUZANNE CHUN OAKLAND, Chair



The Senate
 Twenty-Seventh Legislature
 State of Hawai'i

Record of Votes
Committee on Human Services
HMS

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 740	HMS, JDL	3/11/13		
<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 checked="" type="checkbox"/> Pass, unamended 2312	<input type="checkbox"/> Pass, with amendments 2311	<input type="checkbox"/> Hold 2310		
<input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
CHUN OAKLAND, Suzanne (C)	✓			
GREEN, Josh (VC)	✓			
KIDANI, Michelle N.	✓			
TANIGUCHI, Brian T.				✓
SLOM, Sam				✓
TOTAL	3	0	0	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