

STAND. COM. REP. NO. 540

Honolulu, Hawaii

FEB 28 2013

RE: S.B. No. 88
S.D. 1

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

Madam:

Your Committees on Human Services and Public Safety,
Intergovernmental and Military Affairs, to which was referred S.B.
No. 88 entitled:

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

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit possessing or keeping any bottle, can, or other receptacle containing any intoxicating liquor that has been opened, has a broken seal, or the contents of which have been partially removed while on any sidewalk or common area within a public housing project; and
- (2) Add "state low-income housing project" to the definition of public housing project for purposes of liquor control.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority and one individual.

Your Committees find 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

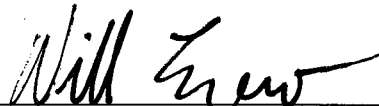


"consumption", requiring that either a law enforcement officer visibly observe a perpetrator in the action of imbibing intoxicating liquor or a witness be willing to testify to visibly observing a perpetrator in the action of imbibing intoxicating liquor. By broadening the prohibition to possession of 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 Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 88, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 88, S.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on
behalf of the members of the
Committees on Human Services
and Public Safety,
Intergovernmental and Military
Affairs,



WILL ESPERO, Chair



SUZANNE CHUN OAKLAND, Chair



