

JAN 23 2015

A BILL FOR AN ACT

RELATING TO CONCURRENT JURISDICTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Hawaii and the United States currently have
2 concurrent jurisdiction over properties controlled or owned by
3 the United States for defense or Coast Guard purposes pursuant
4 to the Admission Act of 1959 and *State v. Thomas*, 8 Haw. App.
5 497, 810 P.2d 668 (1991). The purpose of this Act is to cede
6 concurrent legislative jurisdiction to the United States as to
7 specific property for defense purposes, which has already been
8 acquired by or for the United States Department of the Navy
9 after the Admission Act of 1959, to achieve uniformity in the
10 jurisdiction of the Navy's land in Hawaii and to allow
11 reciprocal law enforcement authority over those lands.

12 SECTION 2. Section 1-4.5, Hawaii Revised Statutes, is
13 amended to read as follows:

14 "~~§~~1-4.5~~§~~ **Cession of concurrent jurisdiction.** (a)
15 Notwithstanding the provisions of any other law, the State of
16 Hawaii hereby cedes concurrent legislative jurisdiction to the
17 United States over the lands and improvements located in the



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1 State presently owned or hereafter acquired, whether acquired by
2 condemnation or otherwise, leased, occupied, or controlled by or
3 for the United States Department of Justice, or any of its
4 component agencies or bureaus, for correctional purposes.

5 (b) Notwithstanding the provisions of any other law, the
6 State of Hawaii hereby cedes concurrent legislative jurisdiction
7 to the United States over the lands and improvements located in
8 the State presently owned, whether acquired by condemnation or
9 otherwise, by or for the United States Department of the Navy,
10 or any of its component agencies or bureaus, for defense
11 purposes, for lands identified by tax map key numbers 4-8-14:6,
12 9-1-10:11, 9-1-10:15, 9-1-10:16, 9-7-18:3, 9-7-18:10, 9-7-18:19,
13 9-9-71:45, 9-9-01:08, 9-9-01:12, 4-1-2-02:11, 4-1-2-02-12, 4-1-
14 2-02:15, 7-1-01-28, 7-1-01:39, 7-1-1:40, 7-1-01:41, 7-1-01:42,
15 7-1-01:43, 7-1-01-44, 7-1-02:35, 7-1-02:36 and portions of 7-1-
16 02-05, 7-1-02:09, 7-1-02:31, 7-1-02:32, and 7-1-02:33, and the
17 portion of Lehua avenue situated at Waimano and Manana, Ewa,
18 Oahu, Hawaii, as described in the deed of conveyance filed
19 December 17, 1965, in the bureau of conveyances beginning at
20 liber 5212, page 348.



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1 [~~(b)~~] (c) Cession of concurrent legislative jurisdiction,
 2 in accordance with [~~subsection (a),~~] subsections (a) and (b),
 3 shall only take effect upon the acceptance of such jurisdiction
 4 by the United States. The concurrent legislative jurisdiction
 5 so ceded shall end as to any such lands, improvements, or such
 6 portions thereof, that cease to be owned, leased, occupied, or
 7 controlled by or on behalf of the United States for correctional
 8 or defense purposes.

9 (d) Other than for defense purposes, the State of Hawaii
 10 retains concurrent legislative jurisdiction, both civil and
 11 criminal, with the United States over all lands specified in
 12 subsections (a) and (b)."

13 SECTION 3. Statutory material to be repealed is bracketed
 14 and stricken. New statutory material is underscored.

15 SECTION 4. This Act shall take effect upon its approval.

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INTRODUCED BY:

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Report Title:

Concurrent Legislative Jurisdiction; Land; United States Navy

Description:

Cedes concurrent legislative jurisdiction to the United States over certain lands acquired by the United States Navy after statehood for defense purposes. Creates uniformity of jurisdiction over all United States Navy land in Hawaii.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

