

Honolulu, Hawaii March 23, 2016 RE: S.B. No. 2816 S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Eighth State Legislature Regular Session of 2016 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 2816, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Establish the offense of criminal trespass onto state lands and make the offense a petty misdemeanor; and
- (2) Amend the offense of criminal trespass in the second degree to include and apply to agricultural property owned by the government that is not fenced, enclosed, or otherwise secured in a manner designed to exclude intruders, but has appropriate signage giving notice that the property is government property and that trespassing is prohibited.

The Department of Land and Natural Resources and Department of Transportation provided testimony in support of the measure. The American Civil Liberties Union of Hawaii provided testimony in opposition. The Department of the Attorney General provided comments.



Your Committee has amended this measure by:

- Clarifying that land closed with its closure hours posted is land closed to public use;
- (2) Making its effective date July 1, 2016;
- (3) Deleting the repeal date; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2816, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2816, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Water & Land,

Chair



State of Hawaii House of Representatives The Twenty-eighth Legislature

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: Committee Referral: SB2816, SD1 WAL, JVD			Date	Date: 3-21-2016		
□ The committee is reconsidering its previous decision on the measure.						
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit)						
WAL Members	S	Ayes	Ayes (WR)	Nays	Excused	
1. YAMANE, Ryan I. (C)						
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2. CULLEN, Ty J.K. (VC)						
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3. EVANS, Cindy						
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4. ING, Kaniela		್ ಸ್. ಇಗ್ರೆ ಪ್ರಚಿ ಸಿನ್ನಾಣಕ್ಕೊಳ್ಳ ಗಿಗ್ ಸಿನ್ ಕ್ರಿಯಾಗ್ ಕ್ರಿಕೆಸ್ ಸಿನ್ ಸಿನ್ ಸಿನ್ ಸಿನ್				
5. LEE, Chris	and the state of the					
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6. LOWEN, Nicole E.	ವರುಗಳಲ್ಲಿ ಎಂದು ಕೇಂದ್ರೆ ಹಿಂದಳಲ್ಲಿ ನಿರ್ಮಿಕ ಕೆಂದ್ರೆ					
Alter Alter						
7. NISHIMOTO, Scott Y.		\checkmark				
8. SAY, Calvin K.Y.						
9. POUHA, Feki						
10. THIELEN, Cynthia						
TOTAL (10)		8	Ø	Ø	2	
The recommendation is: Adopted If joint referral, did not support recommendation.						
Vice Chair's or designee's signature:						
Distribution: Original (White) – O	Committee Du	unlicate (Vellow) -	Chief Clerk's Office	e Duplicate (Pink) – HMSO	