

STAND. COM. REP. NO.

123

Honolulu, Hawaii

FEB 10 2017

RE: S.B. No. 717  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sir:

Your Committee on Public Safety, Intergovernmental, and Military Affairs, to which was referred S.B. No. 717 entitled:

"A BILL FOR AN ACT RELATING TO PUBLIC REAL PROPERTY,"

begs leave to report as follows:

The purpose and intent of this measure is to establish a temporary program to clean up debris and litter left behind on state real property by persons who have illegally camped or lodged on state real property and to establish a temporary sheriff patrol program to enforce laws against illegally camping, trespassing, or being present on state real property.

Your Committee received testimony in support of this measure from the Department of Land and Natural Resources and one individual. Your Committee received comments on this measure from the Department of the Attorney General, Department of Public Safety, Department of Accounting and General Services, and Governor's Coordinator on Homelessness.

Your Committee finds that illegal camping, trespassing, or being present on state real property and the debris and litter left behind by the occupants of illegal encampments on state real property are significant problems that negatively impact the health, safety, and welfare of the State's citizens. The State currently lacks an efficient means of addressing illegal camping, trespassing, or being present on state real property and their associated problems. Therefore, this measure establishes a temporary program for cleaning the litter and debris left behind



by illegal campers, establishes a temporary sheriff patrol program to enforce laws against illegal camping on state real property, and appropriates funds for the programs.

However, your Committee understands the concerns raised by the Attorney General that mandating the deputy sheriffs to cite or arrest an illegal camper on state real property may violate constitutional requirements or other legal protections. Accordingly, your Committee has amended this measure by:

- (1) Replacing the provision mandating that the deputy sheriffs "shall cite or arrest the violator" with language mandating that the deputy sheriffs "shall take appropriate steps necessary in accordance with the law"; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Public Safety, Intergovernmental, and Military Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 717, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 717, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on  
behalf of the members of the  
Committee on Public Safety,  
Intergovernmental, and Military  
Affairs,



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CLARENCE K. NISHIHARA, Chair



