

Honolulu, Hawaii

APR 27 2017

RE: S.B. No. 895  
S.D. 1  
H.D. 2  
C.D. 1

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

Honorable Joseph M. Souki  
Speaker, House of Representatives  
Twenty-Ninth State Legislature  
Regular Session of 2017  
State of Hawaii

Sirs:

Your Committee on Conference on the disagreeing vote of the Senate to the amendments proposed by the House of Representatives in S.B. No. 895, S.D. 1, H.D. 2, entitled:

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

having met, and after full and free discussion, has agreed to recommend and does recommend to the respective Houses the final passage of this bill in an amended form.

The purpose of this measure is to:

- (1) Establish the offense of criminal trespass onto state lands to prohibit a person from entering or remaining unlawfully in or upon any improved state land, or in or upon any state land on or under any highway, subject to certain conditions and exemptions;
- (2) Amend the offense of criminal trespass in the second degree by clarifying the signage posting requirements that provide notice to a person entering or remaining unlawfully on agricultural lands or unimproved or unused



lands without permission and to a person entering or remaining unlawfully in or upon the premises of any public housing project or state low-income housing project, subject to certain conditions;

- (3) Require the Department of the Attorney General to submit a written report to the Legislature prior to the Regular Sessions of 2018, 2019, and 2020, regarding the extent to which the criminal trespassing laws have been utilized; and
- (4) Clarify that this measure does not affect Native Hawaiian traditional and customary rights as set forth in the Hawaii State Constitution.

Your Committee on Conference finds that it is unclear whether existing criminal trespass laws apply to improved state lands, state land on or under any highway, or unfenced, unenclosed, or unsecured agricultural lands owned by the State. This measure addresses the application of criminal trespass laws with respect to state lands to provide a stronger and clearer deterrent to illegal activity.

Your Committee on Conference has amended this measure by:

- (1) Clarifying that the signs posted along the boundary lines that provide notice to the public regarding trespassing or property closure hours shall be placed at reasonable intervals no less than three signs to a mile along a boundary line of the property;
- (2) Prohibiting a conviction of the offense of criminal trespass onto state lands from being used to establish a felony conviction of the offense of habitual property crime under section 708-803, Hawaii Revised Statutes;
- (3) Changing the effective date to upon approval; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the managers of your Committee on Conference that is attached to this report, your Committee on Conference is in accord with the intent and purpose of S.B. No. 895, S.D. 1, H.D. 2, as amended herein, and recommends that it pass Final Reading in the form attached hereto as S.B. No. 895, S.D. 1, H.D. 2, C.D. 1.



Respectfully submitted on behalf  
of the managers:

ON THE PART OF THE HOUSE

ON THE PART OF THE SENATE



RYAN I. YAMANE  
Co-Chair



GILBERT S.C. KEITH-AGARAN  
Chair



SCOTT Y. NISHIMOTO  
Co-Chair



Hawaii State Legislature

CCR 41

Record of Votes of a  
Conference Committee

|  |                                      |
|--|--------------------------------------|
| Bill / Concurrent Resolution No.:<br><b>SB 895, SD 1, HD 2</b> | Date/Time:<br><i>4/24/17 3:40 pm</i> |
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The recommendation of the House and Senate managers is to pass with amendments (CD).

The Committee is reconsidering its previous decision.

The recommendation of the Senate Manager(s) is to AGREE to the House amendments made to the Senate Measure

The recommendation of the House Manager(s) is to AGREE to the Senate amendments made to the House Measure.

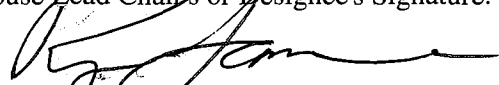
| Senate Managers                  | A | WR | N | E | House Managers               | A | WR | N | E |
|----------------------------------|---|----|---|---|------------------------------|---|----|---|---|
| KEITH-AGARAN, Gilbert S.C., Chr. | ✓ |    |   |   | YAMANE, Ryan I., Co-Chr.     | ✓ |    |   |   |
| GABBARD, Mike                    |   |    |   | ✓ | NISHIMOTO, Scott Y., Co-Chr. | ✓ |    |   |   |
| RHOADS, Karl                     | ✓ |    |   |   | MCDERMOTT, Bob               |   |    |   | ✓ |
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| <b>TOTAL</b>                     | 2 | 0  | 0 | 1 | <b>TOTAL</b>                 | 2 | 0  | 0 | 1 |

A = Aye      WR = Aye with Reservations      N = Nay      E = Excused

Senate Recommendation is:  
 Adopted       Not Adopted

House Recommendation is:  
 Adopted       Not Adopted

Senate Lead Chair's or Designee's Signature:  


House Lead Chair's or Designee's Signature:  


Distribution:      **Original**      **Yellow**      **Pink**      **Goldenrod**  
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