

STAND. COM. REP. NO.

1361

Honolulu, Hawaii

MARCH 24, 2017

RE: S.B. No. 895

S.D. 1

H.D. 1

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

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 895, 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 establish the offense of criminal trespass on state lands, and to clarify that the offenses of criminal trespass in the second degree apply to government agricultural property, regardless of whether it is fenced, enclosed, or otherwise secured.

The Department of Public Safety; Hawaii Community Development Authority; Department of Transportation; Department of Health; University of Hawaii; Department of Education; Honolulu Police Department; and a few individuals testified in support of this measure. The Office of Hawaiian Affairs, American Civil Liberties Union of Hawaii, Ka Lāhui Hawai'i Political Action Committee, Community Alliance on Prisons, Animal Rights Hawaii, Ho'omana Pono, LLC., Pratt Law Hawaii, LLC, and numerous individuals testified in opposition to this measure. The Department of Land and Natural Resources, Governor's Coordinator on Homelessness, Department of the Attorney General, Department of Agriculture, Department of Human Services, Department of Taxation, and Department of Accounting and General Services commented on this measure.

SB895 HD1 HSCR WAL HMS 2017-3025



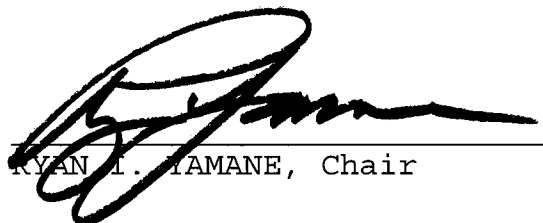
Your Committee notes that it is the Legislature's intent that the administrator will coordinate homelessness services in collaboration with other agencies prior to the implementation of this measure.

Your Committee has amended this measure by:

- (1) Requiring a request to leave by a law enforcement officer prior to the trespass charges;
- (2) Clarifying that no lands administered by the Office of Hawaiian Affairs will be affected by this measure;
- (3) Clarifying that this measure will not impact any areas that are designated as safe havens;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical nonsubstantive amendments for 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. 895, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 895, 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,



RYAN I. YAMANE, Chair



