

STAND. COM. REP. NO.

1567

Honolulu, Hawaii

April 4, 2017

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

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 895, S.D. 1, H.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 Transportation, Department of Education, Hawaii Community Development Authority, Agribusiness Development Corporation, Department of Accounting and General Services, Governor's Coordinator on Homelessness, Natural Energy Laboratory of Hawaii Authority, Department of Public Safety, University of Hawaii, Department of Agriculture, Department of Taxation, Department of Health, Department of Human Services, Honolulu Police Department, and We Are One, Inc. testified in support of this measure. Office of Hawaiian Affairs, Halau Na Mamo o Pu'uanahulu, Ohana Farms, American Civil Liberties Union of Hawaii, Pratt Law Hawaii, LLLC, Ka Lahui Hawaii Political Action Committee, Halau Na Mamo O Ka Liko Maile O Kohala, The John Munn Kahikina Kelekona Foundation, Sierra Club of Hawaii,

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‘Īlio‘ulaokalani, and numerous individuals testified in opposition. The Department of the Attorney General, Department of Land and Natural Resources, and a few individuals provided comments.

Your Committee has amended this measure by:

- (1) Clarifying and specifying the requirements for the placement of signs that provide notice of government property and no trespassing;
- (2) Clarifying that this measure does not affect native Hawaiian traditional and customary rights as set forth in the State's Constitution; and
- (3) Making technical, nonsubstantive amendments for clarity, consistency, and style.

Your Committee notes that the new offense of criminal trespass onto state lands established by this measure would be considered a conviction for the purposes of subjecting the offender to the class C felony penalty levied on habitual property crime perpetrators. Should this measure advance to Conference Committee, your Committee respectfully requests the Conference Committee to consider exempting criminal trespass onto state lands from the offense of habitual property crime.

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

Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



SCOTT Y. NISHIMOTO, Chair



