

STAND. COM. REP. NO.

719

Honolulu, Hawaii

MAR 03 2017

RE: S.B. No. 895  
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 Judiciary and Labor, to which was referred  
S.B. No. 895 entitled:

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

begs leave to report as follows:

The purpose and intent 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;
- (2) Amend the offense of criminal trespass in the second degree by clarifying that the signs posted to provide notice to a person entering or remaining unlawfully on agricultural lands without the permission of the owner may include language that the agricultural land is government property and no trespassing is allowed; and
- (3) Require the Department of the Attorney General to submit a written report to the Legislature prior to convening of the Regular Session of 2018 regarding the extent to which this measure is utilized.



Your Committee received testimony in support of this measure from the Governor's Coordinator on Homelessness; Department of the Attorney General; Department of Public Safety; Department of Land and Natural Resources; Department of Transportation; Department of Accounting and General Services; Department of Agriculture; Department of Taxation; Department of Education; University of Hawai'i System; Department of Defense; Department of Hawaiian Home Lands; Department of Health; Agribusiness Development Corporation; Natural Energy Laboratory of Hawaii Authority; Police Department, City and County of Honolulu; and Institute for Human Services. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs, American Civil Liberties Union of Hawai'i, Community Alliance on Prisons, and one individual. Your Committee received comments on this measure from one individual.

Your Committee 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 has amended this measure by:

- (1) Clarifying under section 708-814(1)(c), Hawaii Revised Statutes, which relates to entering or remaining on agricultural lands without the permission of the owner, that the signs displayed on the unenclosed cultivated or uncultivated agricultural land shall be placed at reasonable intervals along the boundary line of the land and at roads and trails entering the land;
- (2) Requiring the Department of the Attorney General to submit a written report to the Legislature prior to the regular sessions of 2018, 2019, and 2020, rather than only the Regular Session of 2018, regarding the extent to which the criminal trespassing laws have been utilized;
- (3) Inserting an effective date of January 7, 2059, to encourage further discussion; and



- (4) 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 Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 895, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 895, S.D. 1, and be placed on the calendar for Third Reading.

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

  
GILBERT S.C. KEITH-AGAPAN, Chair



The Senate  
 Twenty-Ninth Legislature  
 State of Hawai'i

**Record of Votes**  
**Committee on Judiciary and Labor**  
**JDL**

Bill / Resolution No.:* <b>SB 895</b>	Committee Referral: <b>JDL</b>	Date: <b>2/27/17</b>		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
KEITH-AGARAN, Gilbert S.C. (C)	✓			
RHOADS, Karl (VC)	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
THIELEN, Laura H.		✓		
<b>TOTAL</b>	<b>4</b>	<b>1</b>	<b>0</b>	<b>0</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <i>Karl Rhoads</i>				
<b>Distribution:</b> Original                      Yellow                      Pink                      Goldenrod File with Committee Report    Clerk's Office            Drafting Agency        Committee File Copy				

\*Only one measure per Record of Votes