



**EXECUTIVE CHAMBERS**  
HONOLULU

**DAVID Y. IGE**  
GOVERNOR

February 27, 2017

**TO:** The Honorable Senator Gilbert S.C. Keith-Agaran, Chair  
Senate Committee on Judiciary and Labor

**FROM:** Scott Morishige, MSW, Governor's Coordinator on Homelessness

**SUBJECT: SB 895 – RELATING TO CRIMINAL TRESPASS**

Hearing: Monday, February 27, 2017, 9:30 a.m.  
Conference Room 016, State Capitol

**POSITION:** The Governor's Coordinator on Homelessness supports this Administration bill. The Coordinator notes that when enforcement of trespass laws on state lands impacts persons experiencing homelessness, these efforts should be coordinated with homeless outreach efforts that connect homeless persons to necessary services and housing. Accordingly, the Coordinator asks for the Legislature's support of the Governor's Executive Budget request, which includes funding for homeless outreach, and for a stored property program that addresses property abandoned on or seized from state lands. The Coordinator defers to other departments in regard to statutory processes and issues related to enforcement of trespass on state lands.

**PURPOSE:** The purpose of the bill is to add the offense of criminal trespass onto State lands to the penal code. The bill also amends criminal trespass in the second degree to apply to government agricultural property regardless of whether it is fenced, enclosed, or otherwise secured.

The intent of the bill is not to criminalize homelessness, but to address issues related to theft and vandalism on state lands, as well as issues related to public safety. This includes addressing the safety of individuals who may be residing in unauthorized

areas, which are often closed off or restricted because they may be hazardous and not intended for human habitation or public use.

The Coordinator further notes that – if or when homeless individuals are displaced or adversely impacted by the enforcement of trespass laws on state lands – state departments and agencies work with the Coordinator’s office to ensure that homeless outreach is provided both in advance of any enforcement action, as well as during the time of enforcement. The offer of outreach is essential to provide direct assistance to unsheltered homeless households, and to build rapport that connects them to housing and services, such as Housing First, Rapid Rehousing, or shelter.

In addition to outreach, the Coordinator works with State departments and agencies to address concerns related to property or other items that may be left behind on state lands following the enforcement of trespass laws. The Legislature provided in section 171-31.5, Hawaii Revised Statutes (HRS), a process for the disposition of abandoned property on state land for all individuals, including individuals who are homeless. Section 171-31.5, HRS, requires a 30 day notice that property has been abandoned or seized, and provides a means for owners of abandoned or seized property to retrieve such property, which could include government issued identification or other government records. By following the provisions of section 171-31.5, HRS, in coordination with homeless outreach, the State works to protect the due process rights of homeless persons who may be adversely impacted by enforcement of criminal trespass laws.

Finally, the state’s strategy to address homelessness acknowledges the connection between homeless outreach and public safety efforts impacting homeless persons, and is aimed at connecting homeless persons to long-term housing as opposed to merely displacing individuals from one property to another. For example, in Kakaako Makai, the State balanced the enforcement of trespass in the public park with the provision of homeless outreach services that assisted over 290 of an estimated 300 homeless individuals to access shelter and permanent housing between August 2015 and present.

Thank you for the opportunity to testify on this bill.



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
TWENTY-NINTH LEGISLATURE, 2017**

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**ON THE FOLLOWING MEASURE:**

S.B. NO. 895, RELATING TO CRIMINAL TRESPASS.

**BEFORE THE:**

SENATE COMMITTEE ON JUDICIARY AND LABOR

**DATE:** Monday, February 27, 2017                      **TIME:** 9:30 a.m.

**LOCATION:** State Capitol, Room 016

**TESTIFIER(S):** Douglas S. Chin, Attorney General, or  
Russell A. Suzuki, First Deputy Attorney General

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Chair Keith-Agaran and Members of the Committee:

The Department of the Attorney General supports this administration bill, which is intended to close an existing gap within current criminal trespass laws.

The purpose of this bill is to create the new offense of criminal trespass onto state lands under chapter 708, Hawaii Revised Statutes (HRS). It addresses issues presented by individuals entering or remaining on: (1) improved state land when closed or otherwise restricted; and (2) unimproved state land with appropriate signage stating "Government Property—No Trespassing." It clarifies that trespassing includes state land on or under any highway. The bill also amends the offense of criminal trespass in the second degree to clarify that it includes government agricultural lands that are not fenced, enclosed, or secured in a manner designed to exclude intruders.

Existing criminal trespass laws apply comprehensively to private property, including dwellings, hotels, apartment buildings, private schools, fenced or enclosed properties, and commercial properties. With regard to state-owned land, existing criminal trespass laws apply to public schools (section 708-813, HRS), enclosed agricultural lands (section 708-814, HRS), certain unimproved or unused land (section 708-814, HRS), state-owned public housing projects and state low-income housing projects (section 708-814, HRS), and public parks and recreational grounds (section 708-814.5, HRS).

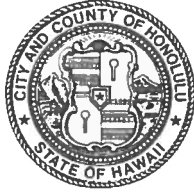
Existing criminal trespass laws do not, however, apply comprehensively to all state lands, including improved state lands. They are unclear as to their applicability to state land on, under or a part of any highway, or unfenced, unenclosed, or unsecured agricultural lands owned by the government, and with respect to harbors. This effectively leaves a gap in current criminal trespass laws, resulting in certain types of state lands being without the protections afforded to other properties or other types of state lands. This bill is intended to close that gap. For example, section 708-814, HRS, criminal trespass in the second degree, includes a definition for “unimproved or unused lands.” This bill will help ensure that criminal trespass laws also apply to *improved* state lands, by both defining such lands and making the law directly applicable to them.

This bill would be an important crime prevention tool. It would better enable law enforcement to keep people out of harm’s way and allow the State to preserve and protect its lands. As an example, this law would assist law enforcement in keeping individuals off highways where, amongst other things, copper theft is a dangerous and expensive problem. It would allow law enforcement to address trespassers, individuals who refuse to keep out of or away from state-owned buildings and surrounding premises that are closed for business, in the same manner as those who perform the same unlawful conduct on private property or certain state lands. The bill as drafted makes criminal trespass on state lands a petty misdemeanor, which means that people in violation may be subject to arrest. Pursuant to sections 706-663 and 706-640, HRS, petty misdemeanors are punishable by a maximum of thirty days in jail or a fine of not more than \$1,000. In practice, state courts typically impose much smaller penalties.

The Department respectfully requests that the Committee pass this bill.

POLICE DEPARTMENT  
CITY AND COUNTY OF HONOLULU

801 SOUTH BERETANIA STREET · HONOLULU, HAWAII 96813  
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KIRK CALDWELL  
MAYOR

LOUIS M. KEALOHA  
CHIEF

CARY OKIMOTO  
JERRY INOUE  
DEPUTY CHIEFS

OUR REFERENCE DI-KP

February 27, 2017

The Honorable Gilbert S.C. Keith-Agaran, Chair  
and Members  
Committee on Judiciary and Labor  
The Senate  
State Capitol, Room 221  
415 South Beretania Street  
Honolulu, Hawaii 96813

Dear Chair Keith-Agaran and Members:

Subject: Senate Bill No. 895, Relating to Criminal Trespass

I am Darren Izumo, Major of the Wahiawa Police Station, District 2, Honolulu Police Department (HPD), City and County of Honolulu.


The HPD supports Senate Bill No. 895, which adds the offense of criminal trespass onto state lands to the penal code.

The HPD believes that the passage of this bill will help clarify, for jurisdictional and enforcement purposes, the inclusion of state lands in the criminal trespass law (HRS 708-). The current law is unclear on unenclosed state lands such as open agricultural lands or areas under or around freeways.

The HPD requests that your committee support the passage of Senate Bill No. 895, Relating to Criminal Trespass.

Thank you for the opportunity to testify.

Sincerely,

*For*   
Darren Izumo, Major  
District 2

APPROVED BY:

  
Cary Okimoto  
Acting Chief of Police

*Serving and Protecting With Aloha*

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF PUBLIC SAFETY**  
919 Ala Moana Boulevard, 4th Floor  
Honolulu, Hawaii 96814

**NOLAN P. ESPINDA**  
DIRECTOR

**Cathy Ross**  
Deputy Director  
Administration

**Jodie F. Maesaka-Hirata**  
Deputy Director  
Corrections

**Renee R. Sonobe Hong**  
Deputy Director  
Law Enforcement

No. \_\_\_\_\_

**TESTIMONY ON SENATE BILL 895  
RELATING TO CRIMINAL TRESPASS**

by

Nolan P. Espinda, Director  
Department of Public Safety

Senate Committee on Judiciary and Labor  
Senator Gilbert S.C. Keith-Agaran, Chair  
Senator Karl Rhoads, Vice Chair

Monday, February 27, 2017; 9:30 a.m.  
State Capitol, Conference Room 016

Chair Keith-Agaran, Vice Chair Rhoads, and Members of the Committee:

The Department of Public Safety (PSD) **supports** Senate Bill (SB) 895, which proposes to create a new offense of criminal trespass onto state lands to include improved lands when closed or otherwise restricted, and any state land on or under any highway having a sign or signs restricting access. SB 895 also proposes to amend criminal trespass in the second degree to include government agricultural lands that are not fenced, enclosed, or secured in any manner to exclude intruders. Regarding state lands, the current trespass laws apply to public schools, enclosed agricultural lands, some unimproved or unused lands, state public housing projects, and public parks and recreational grounds. Current trespass laws, however, do not apply to all state lands.

This bill would provide law enforcement with an important tool to address problems with trespassers who remain in or around state-owned office buildings and surrounding premises that are closed for business. Employees arriving early for

Testimony on SB 895  
Senate Committee on Judiciary and Labor  
February 27, 2017  
Page 2

work or working after hours and on weekends often feel unsafe with trespassers loitering on state premises.

Thank you for the opportunity to provide this testimony.

DAVID Y. IGE  
GOVERNOR OF HAWAII



**STATE OF HAWAII  
DEPARTMENT OF LAND AND NATURAL RESOURCES**

POST OFFICE BOX 621  
HONOLULU, HAWAII 96809

**Testimony of  
SUZANNE D. CASE  
Chairperson**

**Before the Senate Committee on  
JUDICIARY AND LABOR**

**Monday, February 27, 2017  
9:30 AM  
State Capitol, Conference Room 016**

**In consideration of  
SENATE BILL 895  
RELATING TO CRIMINAL TRESPASS**

Senate Bill 895 proposes to add the offense of criminal trespass onto state lands to the penal code and amend criminal trespass in the second degree to apply to government agricultural property regardless of whether it is fenced, enclosed, or otherwise secured. **The Department of Land and Natural Resources (Department) supports this Administration measure with the following suggested amendment:**

Whenever the phrase, "*placed at reasonable intervals along the boundary line of the land and at roads and trails entering the land in a manner and position as to be clearly noticeable from outside the boundary*" occurs in the measure, the Department suggests that language be replaced with, "*placed at intervals not less than three signs to a mile along the boundary line of the land and at all roads and trails entering the land*" instead. Having a measurable interval between signs would make it clear for prosecution and easily understandable for the public.

Thank you for the opportunity to comment on this measure.

**SUZANNE D. CASE**  
CHAIRPERSON  
BOARD OF LAND AND NATURAL RESOURCES  
COMMISSION ON WATER RESOURCE MANAGEMENT

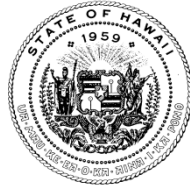
**KEKOA W. KALUHIWA**  
FIRST DEPUTY

**JEFFREY. T. PEARSON, P.E.**  
DEPUTY DIRECTOR - WATER

AQUATIC RESOURCES  
BOATING AND OCEAN RECREATION  
BUREAU OF CONVEYANCES  
COMMISSION ON WATER RESOURCE MANAGEMENT  
CONSERVATION AND COASTAL LANDS  
CONSERVATION AND RESOURCES ENFORCEMENT  
ENGINEERING  
FORESTRY AND WILDLIFE  
HISTORIC PRESERVATION  
KAHOOLAWE ISLAND RESERVE COMMISSION  
LAND  
STATE PARKS



DAVID Y. IGE  
GOVERNOR



**STATE OF HAWAII**  
**DEPARTMENT OF TRANSPORTATION**  
869 PUNCHBOWL STREET  
HONOLULU, HAWAII 96813-5097

February 27, 2016  
9:30 a.m.  
State Capitol, Room 016

**S.B. 895**  
**RELATING TO CRIMINAL TRESPASS**

Senate Committee on Judiciary and Labor

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The Department of Transportation (DOT) strongly **supports** this Administration bill which adds the offense of criminal trespass onto state lands to part II of chapter 708, Hawaii Revised Statutes, and amends criminal trespass in the second degree to include and apply to agricultural and DOT property owned by the government that is not fenced, enclosed or otherwise secured in a manner designed to exclude intruders, unpermitted hikers, copper thieves, vandals and other criminal trespassers.

This bill aims to clarify an important statute that will assist the DOT in protecting its lands, property, and facilities under its jurisdiction in providing a safe, efficient, accessible, and sustainable inter-modal transportation system that ensures the mobility of people and goods, and enhances and/or preserves economic prosperity and the quality of life.

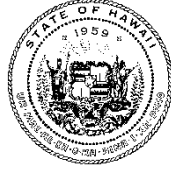
Thank you for the opportunity to provide testimony.

**Testimony by:**  
FORD N. FUCHIGAMI  
DIRECTOR

Deputy Directors  
JADE T. BUTAY  
ROSS M. HIGASHI  
EDWIN H. SNIFFEN  
DARRELL T. YOUNG

IN REPLY REFER TO:

DAVID Y. IGE  
GOVERNOR



RODERICK K. BECKER  
Comptroller

AUDREY HIDANO  
Deputy Comptroller

**STATE OF HAWAII**  
**DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES**

P.O. BOX 119, HONOLULU, HAWAII 96810-0119

WRITTEN TESTIMONY OF  
RODERICK K. BECKER, COMPTROLLER  
DEPARTMENT OF ACCOUNTING AND GENERAL SERVICES  
TO THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR  
ON  
MONDAY, FEBRUARY 27, 2017  
9:30 A.M.  
CONFERENCE ROOM 016

S.B. 895

RELATING TO CRIMINAL TRESPASS.

Chair Keith-Agaran, Vice Chair Rhoads, and members of the Committee, thank you for the opportunity to provide written testimony on S.B. 895.

The Department of Accounting and General Services (DAGS) supports the measure and offers the following comments for the committee's consideration.

As a matter of equity and for the protection and preservation of State resources, DAGS supports providing similar protections against criminal trespass to various state lands (improved, on or under any highway, unfenced, unenclosed, or unsecured government agricultural lands) that are currently afforded to other property interests such as dwellings, hotels, apartment buildings, public and private schools, fenced or enclosed properties, commercial properties, certain agricultural lands, unimproved or unused lands, public housing projects and low-income housing projects, and public parks and recreational grounds.

Thank you for the opportunity to submit written testimony on this matter.

DAVID Y. IGE  
Governor

SHAN S. TSUTSUI  
Lt. Governor



State of Hawaii  
**DEPARTMENT OF AGRICULTURE**  
1428 South King Street  
Honolulu, Hawaii 96814-2512  
Phone: (808) 973-9600 FAX: (808) 973-9613

SCOTT E. ENRIGHT  
Chairperson, Board of Agriculture

PHYLLIS SHIMABUKURO-GEISER  
Deputy to the Chairperson

**TESTIMONY OF SCOTT E. ENRIGHT  
CHAIRPERSON, BOARD OF AGRICULTURE**

**BEFORE THE SENATE COMMITTEE ON JUDICIARY & LABOR**

**FEBRUARY 27, 2017  
9:30 A.M.  
CONFERENCE ROOM 016**

**SENATE BILL NO. 895  
RELATING TO CRIMINAL TRESPASS**

Chairperson Keith-Agaran and Members of the Committee:

Thank you for the opportunity to comment on Senate Bill No. 895. The purpose of this bill is to add the offense of criminal trespass onto state lands to Part II of Chapter 708, Hawaii Revised Statutes, and amend criminal trespass in the second degree to include and apply to agricultural property owned by the government that is fenced, enclosed, or otherwise secured in a manner designed to exclude intruders. The Hawaii Department of Agriculture (HDOA) strongly supports this measure.

The department manages and operates a variety of facilities and improvements on state lands which are not always fenced, enclosed, or secured in a manner designed to exclude intruders; therefore, the department 's current practice has been to install and maintain "Danger – No Trespassing" signage giving notice that trespassing is prohibited. An example of HDOA's signage is attached as Exhibit "A." Presently, these signs are placed on security fencing around state owned and operated irrigation reservoirs and are installed on entry gates and along security fences at intervals of approximately 80 to 100 feet apart.



The department respectfully requests clarification of the terms "reasonable notice ... such signs shall contain letters not less than two inches in height and shall be placed at reasonable intervals" as they are used in Section 2, §708-\_\_ (1)(a)(ii). This language implies that only the words "Government Property – No Trespassing" shall be not less than two inches in height and no other words or wording are necessary.

Statewide, illegal trespass and illegal activities are a serious problem on state lands and in facilities overseen by the department. The department needs the criminal statutes to allow immediate removal of offenders; otherwise, state lands become a venue for illegal activities, such as entry into closed and often unsafe areas, unpermitted camping, illegal alcohol consumption and disorderly conduct.

Criminal trespass laws can be an effective deterrent to these activities. Thank you for the opportunity to testify on this measure.

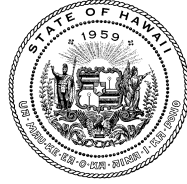
Attachment: Exhibit "A"

EXHIBIT A



DAVID Y. IGE  
GOVERNOR

SHAN TSUTSUI  
LT. GOVERNOR



STATE OF HAWAII  
**DEPARTMENT OF TAXATION**  
P.O. BOX 259  
HONOLULU, HAWAII 96809  
PHONE NO: (808) 587-1540  
FAX NO: (808) 587-1560

MARIA E. ZIELINSKI  
DIRECTOR OF TAXATION

DAMIEN A. ELEFANTE  
DEPUTY DIRECTOR

To: The Honorable Gilbert S.C. Keith-Agaran, Chair  
and Members of the Senate Committee on Judiciary and Labor

Date: Monday, February 27, 2017

Time: 9:30 A.M.

Place: Conference Room 016, State Capitol

From: Maria E. Zielinski, Director  
Department of Taxation

Re: S.B. 895, Relating to Criminal Trespass

The Department of Taxation (Department) supports S.B. 895, an Administration measure, and provides the following comments for your consideration.

S.B. 895 adds a new offense of criminal trespass onto state lands to the penal code. In general, the new offense applies when a person unlawfully enters state land if the state land is closed to the public and the closure has been made clear. S.B. 895 also amends the offense of criminal trespass in the second degree to apply to government agricultural property whether the property is secured or not. The bill becomes effective July 1, 2017.

The Department notes that the new offense of criminal trespass onto state land would apply to state buildings including the building where the Department's main office is located. In the past, the Department has experienced isolated incidents of vandalism to and trespass upon its facilities. The Department takes the security of its facilities and personnel very seriously and believes this measure will provide additional recourse should such incidents recur.

Thank you for the opportunity to provide support and comment on S.B. 895.

DAVID Y. IGE  
GOVERNOR



KATHRYN S. MATAYOSHI  
SUPERINTENDENT

STATE OF HAWAII  
DEPARTMENT OF EDUCATION  
P.O. BOX 2360  
HONOLULU, HAWAII 96804

**Date:** 02/27/2017

**Time:** 09:30 AM

**Location:** 016

**Committee:** Senate Judiciary and Labor

**Department:** Education

**Person Testifying:** Kathryn S. Matayoshi, Superintendent of Education

**Title of Bill:** SB 0895 RELATING TO CRIMINAL TRESPASS.

**Purpose of Bill:** Adds the offense of criminal trespass onto state lands to the penal code. Amends criminal trespass in the second degree to apply to government agricultural property regardless of whether it is fenced, enclosed, or otherwise secured.

**Department's Position:**

The Department of Education supports the intent of SB 0895 to add the offense of criminal trespass onto state lands to the penal code as well as amend criminal trespass in the second degree to apply to government agricultural property regardless of whether it is fenced, enclosed, or otherwise secured. Adding the provision that criminal trespassing onto state lands is a petty misdemeanor adds the necessary impact needed to deter potential violations and punish suspects who violate the law. Furthermore, adding the requirement to post signs around designated state property pinpoints the demarcation of the property and provides clear warning to suspects that trespassing is strictly prohibited. Any preventative measures to reduce trespassing on school campuses will enhance the safety of our students, staff, and visitors.

Thank you for the opportunity to testify on this measure.



# UNIVERSITY OF HAWAII SYSTEM

## Legislative Testimony

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Testimony Presented Before the  
Senate Committee on Judiciary and Labor  
February 27, 2017 at 9:30 a.m.

By  
Jan Gouveia, Vice President for Administration  
University of Hawai'i System

### SB 895 – RELATING TO CRIMINAL TRESPASS

Chair Keith-Agaran, Vice Chair Rhoads and members of the committee:

I am submitting written testimony on behalf of the University of Hawai'i in support of Senate Bill 895 – Relating to Criminal Trespass – which adds the offense of criminal trespass onto state lands to the penal code; and amends criminal trespass in the second degree to apply to government agricultural property regardless of whether it is fenced, enclosed, or otherwise secured.

The University of Hawai'i takes measures to ensure the safety of our students and employees but the university has experienced finding drug paraphernalia and other debris left behind by trespassers. This leads to potential health and safety concerns for not only the UH ohana, but the public in general. Current trespass laws apply to enclosed or fenced in areas, but it is not clear if these same trespass laws apply to unenclosed or unfenced areas, which includes many properties owned and managed by the University.

Thank you for the opportunity to testify on this bill.



**DAVID Y. IGE**  
Governor

**SHAN S. TSUTSUI**  
Lt. Governor



**JAMES J. NAKATANI**  
Executive Director

STATE OF HAWAII  
**AGRIBUSINESS DEVELOPMENT CORPORATION**  
235 S. Beretania Street, Room 205  
Honolulu, HI 96813  
Phone: (808) 586-0186 Fax: (808) 586-0189

**TESTIMONY OF JAMES J. NAKATANI  
EXECUTIVE DIRECTOR  
AGRIBUSINESS DEVELOPMENT CORPORATION**

**BEFORE THE COMMITTEE ON JUDICIARY AND LABOR**

Monday, February 27, 2017  
9:30 a.m.

**SENATE BILL NO. 895  
RELATING TO CRIMINAL TRESPASS**

Chairperson Keith-Agaran and Members of the Committee:

My name is James Nakatani, Executive Director of the Agribusiness Development Corporation (“ADC”). The ADC strongly supports Senate Bill No. 895 which adds a new criminal trespass section to the Hawaii Penal Code to protect the State against people who enter or remain on State improved lands without State approval, making such offense a petty misdemeanor, provided that there is sufficient signage that meets specific criteria set forth in the bill.

The passage of this bill will clarify that criminal trespass laws applies to all state lands. The ADC believes that clarifying the statute will assist in efforts to protect its agricultural lands, which has long been a target for criminal trespassing.

Thank you for the opportunity to testify, and for your consideration of this bill.



Committee: Committee on Judiciary and Labor  
Hearing Date/Time: Monday, February 27, 2017 at 9:30 a.m.  
Place: Conference Room 016

Testimony of the ACLU of Hawaii in Opposition to S.B. 895, Relating to Criminal Trespass

Dear Chair Keith-Agaran and Members of the Committee on Judiciary and Labor:

The American Civil Liberties Union of Hawaii (“ACLU of Hawaii”) writes in opposition to S.B. 895, which seeks to add an additional criminal trespass offense (“criminal trespass onto state lands”) to chapter 708 of the Hawaii Revised Statutes (“HRS”) and to broaden existing criminal trespass statutes.

Existing Hawaii law already penalizes several varieties of trespass, and adding an entirely new criminal trespass offense and broadening existing offenses would be unnecessarily cumulative. *See* HRS §§ 708-13 (criminal trespass in the first degree), -14 (criminal trespass in the second degree), -15 (simple trespass). Much of the conduct prohibited by the proposed offense of “criminal trespass onto state lands” is also covered under existing Hawaii law prohibiting sleeping or camping in a state park after park closure hours. *See* Hawaii Administrative Rule (“HAR”) §§ 13-146-5 (requiring permit for camping in a state park); HRS § 184-5 (violation of park rules constitutes a petty misdemeanor). Existing Hawaii law also covers the bill’s prohibition against remaining unlawfully on any highway. *See* HRS 711-1105(1) (prohibiting obstruction of “any highway or public passage”). This bill is therefore unnecessary.

Criminal trespass laws and other regulations prohibiting use of public lands are often used to disproportionately affect protesters, as well as homeless individuals and families. Indeed, S.B. 895 seemingly *targets* protesters — such as those who demonstrated at Mauna Kea — by adding redundant penalties for remaining in/on state parks, lands, and highways. S.B. 895, if passed, would merely add to a problematic national trend of punishing dissenting speech. We strongly urge this committee to defer S.B. 895.

Thank you for this opportunity to testify.

Sincerely,

A handwritten signature in black ink that reads "Mandy Finlay". The signature is written in a cursive, flowing style.

Mandy Finlay  
Advocacy Coordinator  
ACLU of Hawaii

*The mission of the ACLU of Hawaii is to protect the fundamental freedoms enshrined in the U.S. and State Constitutions. The ACLU of Hawaii fulfills this through legislative, litigation, and public education programs statewide. The ACLU of Hawaii is a non-partisan and private non-profit organization that provides its services at no cost to the public and does not accept government funds. The ACLU of Hawaii has been serving Hawaii for 50 years.*



HAWAII COMMUNITY  
DEVELOPMENT AUTHORITY



KAKA  
KALAELOA

David Y. Ige  
Governor

John Whalen  
Chairperson

Jesse K. Souki  
Executive Director

547 Queen Street  
Honolulu, Hawaii  
96813

Telephone  
(808) 594-0300

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STATEMENT OF

JESSE K. SOUKI, EXECUTIVE DIRECTOR  
HAWAII COMMUNITY DEVELOPMENT AUTHORITY

BEFORE THE  
SENATE COMMITTEE ON JUDICIARY AND LABOR

Monday, February 27, 2017  
9:30 A.M.

State Capitol, Conference Room 016

in consideration of  
**SB895 – RELATING TO CRIMINAL TRESPASS**

Chair Keith-Agaran, Vice Chair Rhoads and members of the committee.

The Hawaii Community Development Authority (HCDA) offers the following **comments** on SB895.

This testimony reflects my view alone. The Hawaii Community Development Authority (HCDA) has not acted on this measure. In my capacity as the HCDA Executive Director, I respectfully offer the following **comments** on SB895.

The HCDA has the responsibility to ensure public lands it oversees are safe and well-managed for the benefit of all members of the public. As such, any tool that allows state agencies to manage our precious resources for the maximum safety and enjoyment of all of our citizens is a step in the right direction.

I urge support for this Administration measure.

# COMMUNITY ALLIANCE ON PRISONS

P.O. Box 37158, Honolulu, HI 96837-0158

Phone/E-Mail: (808) 927-1214 / [kat.caphi@gmail.com](mailto:kat.caphi@gmail.com)



## COMMITTEE ON JUDICIARY AND LABOR

Sen. Gil Keith-Agaran, Chair

Sen. Karl Rhoads, Vice Chair

Monday, February 27, 2017

9:30 a.m.

Room 016

### **OPPOSITION TO SB 895 - CRIMINAL TRESPASS ON STATE DOT LANDS**

Aloha Chair Keith-Agaran, Vice Chair Rhoads and Members of the Committee!

My name is Kat Brady and I am the Coordinator of Community Alliance on Prisons, a community initiative promoting smart justice policies in Hawai'i for two decades. This testimony is respectfully offered on behalf of the approximately 6,000 Hawai'i individuals living behind bars or under the "care and custody" of the Department of Public Safety on any given day. We are always mindful that approximately 1,700 of Hawai'i's imprisoned people are serving their sentences abroad thousands of miles away from their loved ones, their homes and, for the disproportionate number of incarcerated Native Hawaiians, far from their ancestral lands.

SB 895 adds the offense of criminal trespass onto State Department of Transportation lands to the penal code. Community Alliance on Prisons is in opposition to this bill because it is incongruent with the state's homeless outreach.

The better way of addressing houseless people is contained in SB 716 SD1, that establishes a pre-arrest diversion pilot project for individuals with mental health or substance abuse challenges who allegedly commit nonviolent, non-felony offenses on state property.

It is common knowledge that houseless people congregate under bridges and this bill will open the door for even more houseless individuals to be imprisoned and have to bear the additional burden of a criminal record. We just participated in the Point in Time count of our houseless people and met so many nice and respectful people who are down on their luck. Please have a heart for the less fortunate.

Community Alliance on Prisons respectfully asks the committee to humanize, not criminalize some of the most vulnerable people in our communities. We, therefore respectfully ask the committee to hold this bill.

Mahalo for the opportunity to testify.

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**Date:** Friday, February 24, 2017 11:59:08 AM

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**SB895**

Submitted on: 2/24/2017

Testimony for JDL on Feb 27, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Gregory Barbour	Natural Energy Laboratory of Hawaii Authority	Support	No

**Comments:**

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**SB895**

Submitted on: 2/24/2017

Testimony for JDL on Feb 27, 2017 09:30AM in Conference Room 016

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Present at Hearing</b>
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

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