

LATE TESTIMONY

DAVID Y. IGE
GOVERNOR
STATE OF HAWAII



JOBIE M. K. MASAGATANI
CHAIRMAN
HAWAIIAN HOMES COMMISSION

SHAN S. TSUTSUI
LT. GOVERNOR
STATE OF HAWAII

WILLIAM J. AILA, JR.
DEPUTY TO THE CHAIRMAN

**STATE OF HAWAII
DEPARTMENT OF HAWAIIAN HOME LANDS**

P. O. BOX 1879
HONOLULU, HAWAII 96805

**TESTIMONY OF JOBIE M. K. MASAGATANI, CHAIRMAN
HAWAIIAN HOMES COMMISSION
BEFORE THE SENATE COMMITTEE ON
JUDICIARY AND LABOR**

IN SUPPORT OF

SB 895 RELATING TO CRIMINAL TRESPASS

February 27, 2017

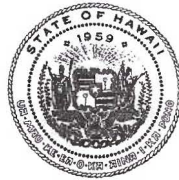
Aloha Chair Keith-Agaran and members of the Committee:

The Department of Hawaiian Home Lands (DHHL) supports this administration measure that 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.

Although DHHL's mission "to develop and deliver land to native Hawaiians" is well-known, the lesser known charge "to manage the Hawaiian Home Lands trust effectively" is equally important. Increasingly, this responsibility is demanding a greater share of DHHL's financial and staff resources to address. Of DHHL's total land inventory, nearly two thirds are lands designated as General Agriculture or Conservation/Special District. Most of these lands will remain in DHHL's inventory over the next 20 years with DHHL facing land management issues for this acreage, similar to DLNR and other large private land owners (i.e. trespassing, dumping, fire protection, etc.) This bill will clarify that criminal trespass will apply to all state lands and help DHHL by providing a greater deterrence for illegal activities on state lands.

Thank you for your consideration of our testimony.

DAVID Y. IGE
GOVERNOR OF HAWAII



VIRGINIA PRESSLER, M.D.
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Testimony in SUPPORT of SB895
RELATING TO CRIMINAL TRESPASS

SENATOR GILBERT KEITH-AGARAN, CHAIR
SENATE COMMITTEE ON JUDICIARY AND LABOR
Hearing Date: February 27, 2017 Room Number: 016

- 1 **Fiscal Implications:** None for Department of Health.
- 2 **Department Testimony:** The Department of Health supports SB895, which is part of Governor
- 3 Ige's Administrative Package, that adds the offense of criminal trespass onto state lands to the
- 4 penal code.
- 5 Although the State does not own land through the Department of Health, there are Department of
- 6 Health facilities on state land. Services to some of Hawaii's most vulnerable residents are
- 7 provided at these facilities. This includes the provision of mental health services to children and
- 8 families or individuals with judiciary involvement. The ability to appropriately control access to
- 9 these facilities, while protecting the constitutional rights of at-risk populations such as the
- 10 homeless, will help the department manage safety at its facilities.
- 11 **Offered Amendments:** N/A.
- 12

DAVID Y. IGE
GOVERNOR



PANKAJ BHANOT
DIRECTOR

BRIDGET HOLTHUS
DEPUTY DIRECTOR

STATE OF HAWAII
DEPARTMENT OF HUMAN SERVICES
P. O. Box 339
Honolulu, Hawaii 96809-0339

February 27, 2017

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

FROM: Pankaj Bhanot, Director

SUBJECT: **SB895– RELATING TO CRIMINAL TRESPASS**

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

DEPARTMENT'S POSITION: The Department of Human Services (DHS) supports this administration bill to protect State lands and offers comments. DHS would like to note that enforcement of trespass onto State lands may impact homeless persons. When enforcement takes place there should be an effort to coordinate with homeless outreach providers. DHS asks the Legislature to support the Governor's Executive Budget requests, combined with enforcement efforts, will help to connect our homeless with services and protect their property. DHS defers to other departments in regard to statutory processes and issues related to enforcement of trespass on state lands.

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

DHS understands 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. However, the homeless population that resides under or on State highways may take the brunt of the enforcement. In order to protect our Homeless DHS asks that State departments and agencies

work with the Governor's Coordinator on Homelessness (Coordinator) to secure and provide appropriate homeless outreach services. Outreach services will help build trust with these individuals and families and encourage them to utilize 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. This coordination will help to protect the due process rights of homeless persons who may be adversely affected by the enforcement of trespass onto State lands.

Thank you for the opportunity to testify and provide comments on this measure.

LATE TESTIMONY

SB895

Strong Support

From: Connie Mitchell, Executive Director IHS, Institute for Human Services, Inc.

IHS strongly supports this measure that would essentially aid in enforcing trespassing on State lands.

As a homeless advocate, we recognize that homelessness is a state of being that many people are not able to escape due to experiences of hardship, life choices and economic inequities. But how one addresses it is very much a choice and a decision to trespass on someone else's property is not something we can support, especially when shelter space and treatment beds are available.

Our Homeless Outreach teams have also witnessed how people have impacted State lands negatively when they establish long term encampments that give little thought to the disposal of human waste, often polluting waterways and land to the point of creating a public health hazard. Tons of trash litter environments on public lands as a result of homeless encampments. As a nurse, I often fear the outbreak and proliferation of infectious diseases such as cholera or flesh eating bacterial infection under such unsanitary conditions.

The State currently has little ability to enforce Trespassing if fences have not been erected around designated State land. For those who are concerned about criminalizing homeless person's, outreach is currently conducted prior to enforcements, giving people ample time to vacate the premises.

Law enforcement also offers warnings before citing individuals. So it is almost always chronic violators that are finally charged or arrested.

Please support this bill to promote more effective homeless outreach. It has the capacity to motivate people to make different choices about moving forward with healthier choices and the need to face the reality of limited choices in Hawaii if they choose not to engage in work and education.

LATE TESTIMONY

From: mailinglist@capitol.hawaii.gov
To: [JDL Testimony](#)
Cc:
Subject: *Submitted testimony for SB895 on Feb 27, 2017 09:30AM*
Date: Sunday, February 26, 2017 11:27:43 PM

SB895

Submitted on: 2/26/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments:

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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Cc:
Subject: Submitted testimony for SB631 on Feb 27, 2017 09:30AM
Date: Sunday, February 26, 2017 11:29:14 PM

LATE TESTIMONY

SB631

Submitted on: 2/26/2017

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

Submitted By	Organization	Testifier Position	Present at Hearing
Rachel L. Kailianu	Individual	Oppose	Yes

Comments: Report all gifts received to show transparency.

Please note that testimony submitted less than 24 hours prior to the hearing, improperly identified, or directed to the incorrect office, may not be posted online or distributed to the committee prior to the convening of the public hearing.

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