

DAVID Y. IGE
GOVERNOR



Testimony by:
FORD N. FUCHIGAMI
DIRECTOR

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

IN REPLY REFER TO:

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

February 3, 2017
10:30 a.m.
State Capitol, Room 423

H.B. 1142
RELATING TO CRIMINAL TRESPASS.

House Committee on Transportation

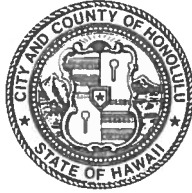
The Department of Transportation (DOT) **strongly supports** this Administration bill to add a new criminal trespass section to Part II of Chapter 708, Hawaii Revised Statutes, to protect against people remaining on improved state department of transportation land when it is closed or otherwise restricted and on or under state highways.

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.

POLICE DEPARTMENT
CITY AND COUNTY OF HONOLULU

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

CARY OKIMOTO
JERRY INOUE
DEPUTY CHIEFS

OUR REFERENCE DI-KO

February 3, 2017

The Honorable Henry J.C. Aquino, Chair
and Members
Committee on Transportation
House of Representatives
State Capitol, Room 419
415 South Beretania Street
Honolulu, Hawaii 96813

Dear Chair Aquino and Members:

Subject: House Bill 1142, 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 House Bill 1142, which adds the offense of criminal trespass onto State Department of Transportation lands to the penal code.

The HPD believes that the passage of this bill will assist in efforts to improve public safety and health by clarifying that persons who ignore posted signage and enter or remain on Department of Transportation lands without permission would be trespassing.

The HPD requests that your committee support the passage of House Bill 1142, Relating to Criminal Trespass.

Thank you for the opportunity to testify.

Sincerely,

A handwritten signature in black ink, appearing to read "Darren Izumo", written over a horizontal line.

Darren Izumo, Major
District 2

APPROVED BY:

A handwritten signature in black ink, appearing to read "Cary Okimoto", written over a horizontal line.

Cary Okimoto
Acting Chief of Police



LATE

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

February 3, 2017

TO: The Honorable Representative Henry Aquino, Chair
House Committee on Transportation

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

SUBJECT: HB1142 – RELATING TO CRIMINAL TRESPASS

Hearing: Friday, February 3, 2017, 10:30 a.m.
Conference Room 423, State Capitol

POSITION: The Governor's Coordinator on Homelessness offers the following comments in regard to 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 \$1.5 million for homeless outreach, and \$2 million for a stored property program that addresses property abandoned on or seized from state lands. The Coordinator defers to other executive 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 Department of Transportation lands to the penal code.

The Coordinator notes that 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.

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. 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 Coordinator notes that 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.

From: mailinglist@capitol.hawaii.gov
Sent: Thursday, February 2, 2017 9:52 PM
To: TRNtestimony
Cc: kalaole808@mail.com
Subject: Submitted testimony for HB1142 on Feb 3, 2017 10:30AM

LATE

HB1142

Submitted on: 2/2/2017

Testimony for TRN on Feb 3, 2017 10:30AM in Conference Room 423

Submitted By	Organization	Testifier Position	Present at Hearing
Brandon John	SKU OF HARD KNOX	Oppose	Yes

Comments: This law is a JOKE! Already get CHOKER laws for ENFORCE but you going make ONE MORE LAW so can keep KICKING THE CAN down the road?>! Cops not going ARREST one bruddah lying in the shade under the highway if they not going ARREST the real kine make anykine guys doing stupid shit ALL THE TIME. All this going do is push da regular homeless to the parks, to the SMALL BUSINESSES, when all they like do is CHILL in the SHADE. YOU gotta be kidding me, we pay you for this kine stupid kine ideas? Politicians gotta GROW SOME BALLS OR SOME BRAINS, whoever went come up with this idea this get NEITHER. PILAU this one.

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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