



**Office of the Public Defender
State of Hawaii**



**Testimony of the Office of the Public Defender
to the House Committee on Judiciary**

February 5, 2018

H.B. No. 2636: RELATING TO TRESPASS.

Chair Scott Y. Nishimoto and Members of the Committee:

The Office of the Public Defender opposes passage of H.B. No. 2636. Our office recognizes the special circumstances concerning the private property owners adjacent to the now closed “Stairway to Heaven” hike and trail in Haiku. However, we are concerned that this Bill proposed changes to the penal code that go beyond the intent of the Bill. In particular, increasing the penalties for both the offenses of Criminal Trespass in the Second Degree and Simple Trespass for “*private property residential premises*” to accommodate these special circumstances also expands it for all other situations and circumstances that go beyond the actual intent of the proposed Bill. Our office suggests a for focused or specific sentencing provision for this situation instead of a wide-sweeping change that has the potential to affect many more cases that may fall under the net of this new sentencing provision.

We are concerned about court congestion as the proposed sentencing provisions for Criminal Trespass in the Second Degree would be a full misdemeanor and would give the right of a jury trial to any person charged with this offense.

We are also concerned with the fact that many of the hikers are tourists who are lured to the “Stairway to Heaven” hike through blogs, travelogs, and online references that fail to provide accurate information on the status of the hike as “closed” and not legally accessible. We suggest that more active public relations work to correct misinformation by the State could help alleviate some of the traffic at the site instead of increases in criminal penalties.

For these reasons, we oppose H.B. No. 2636.

Thank you for the opportunity to provide testimony in this matter.

HB-2636

Submitted on: 2/5/2018 2:00:08 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Victor K. Ramos	Maui Police Department	Support	No

Comments:

HB-2636

Submitted on: 2/5/2018 2:18:21 PM

Testimony for JUD on 2/7/2018 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Javier Mendez-Alvarez		Oppose	No

Comments: