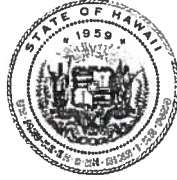


DAVID Y. IGE
GOVERNOR



DEPT. COMM. NO. 199

RUSSELL A. SUZUKI
ATTORNEY GENERAL

STATE OF HAWAII
DEPARTMENT OF THE ATTORNEY GENERAL
425 QUEEN STREET
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(808) 586-1500

DANA O. VIOLA
FIRST DEPUTY ATTORNEY GENERAL

December 27, 2018

The Honorable Ronald D. Kouchi
President of the Senate
and Members of the Senate
Thirtieth State Legislature
State Capitol, Room 409
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki
Speaker and Members of the House of
Representatives
Thirtieth State Legislature
State Capitol, Room 431
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

For your information and consideration, I am transmitting one (1) copy for each of you of the Department of the Attorney General's Report on the Extent to which Act 136, an Act Relating to Criminal Trespass, has been Utilized as required by Section 4 of Act 136, Session Laws of Hawaii 2017. In accordance with Section 93-16, Hawaii Revised Statutes, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>.

If you have any questions or concerns, please feel free to call me at 586-1282.

Sincerely,

Russell A. Suzuki
Attorney General

c: David Y. Ige, Governor
Josh Green, Lieutenant Governor
Legislative Reference Bureau (Attn.: Karen Mau)
Leslie Kondo, State Auditor
Laurel A. Johnston, Director of Finance, Department of Budget and Finance
Stacey A. Aldrich, State Librarian, Hawaii State Public Library System
David Lassner, PhD., President, University of Hawaii

Enclosure

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**REPORT ON THE EXTENT TO WHICH
ACT 136, AN ACT RELATING TO CRIMINAL TRESPASS, SESSION
LAWS OF HAWAII 2017, HAS BEEN UTILIZED**

Pursuant to Section 4 of Act 136, Session Laws of Hawaii 2017

Calendar Year 2018

Submitted to the Thirtieth State Legislature
Regular Session of 2019

AUTHORITY AND BACKGROUND

Section 4 of Act 136, Session Laws of Hawaii 2017, entitled “an Act Relating to Criminal Trespass,” requires the Attorney General to submit a written report to the Legislature no later than twenty days prior to the convening of the regular sessions of 2018, 2019, and 2020 regarding the extent to which the provisions of the Act have been utilized.

Act 136 added to the Hawaii Revised Statutes (HRS) a new section, which has been codified as section 708-814.7, Criminal trespass onto state lands, and made amendments to the already existing section 708-814, HRS, Criminal trespass in the second degree. Both sections 708-814.7 and amended 708-814 specify the circumstances under which a person commits the offense of criminal trespass where state property is involved.

THE EXTENT TO WHICH THE PROVISIONS OF ACT 136 HAVE BEEN UTILIZED

As reported last year, the new law has been used to create signage on property owned or managed by the Department of Transportation (DOT) and the Hawai'i Community Development Authority (HCDA). The Department of Accounting and General Services has produced signs authorized by Act 136 for posting on the properties it manages.

The Department of Hawaiian Home Lands has revised and placed signage on Hawaiian home lands according to Act 136's requirements.

Law enforcement has used section 708-814.7, specifically, as a basis for requesting individuals to vacate state lands owned or managed by the above agencies.

To the Department of the Attorney General's knowledge, at the time of this writing, no arrests have been made utilizing the provisions of Act 136