

DAVID Y. IGE  
GOVERNOR



**DEPT. COMM. NO. 197**

CLARE E. CONNORS  
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**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
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DANA O. VIOLA  
FIRST DEPUTY ATTORNEY GENERAL

December 26, 2019

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 a copy of the Department of the Attorney General's Report on the Extent to which Act 163, 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, HRS, 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,

Clare E. Connors  
Attorney General

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 2019**

**Submitted to the Thirtieth State Legislature  
Regular Session of 2020**

## 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 earlier reported, Act 136 has been used to create signage on property owned or managed by the Department of Transportation and the Hawai'i Community Development Authority. 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