

MAR 11 2022

SENATE CONCURRENT RESOLUTION

URGING THE CITY AND COUNTY OF HONOLULU TO MORE VIGOROUSLY
ENFORCE EXISTING TRESPASS LAWS.

1 WHEREAS, the Hawaii Revised Statutes contain provisions
2 that protect property rights, including provisions that prohibit
3 trespassing over publicly and privately owned property; and
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5 WHEREAS, the enforcement of trespass laws promotes respect
6 for property rights and helps to ensure the safety and well-
7 being of persons who have a legal right to occupy the public or
8 private premises in question; and
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10 WHEREAS, harm to community members results when trespass
11 laws are not adequately enforced; and
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13 WHEREAS, the North Shore Neighborhood Board No. 27
14 (Neighborhood Board) has discussed possible approaches to
15 addressing trespass incidents in the North Shore community,
16 which have included reports of armed trespassers threatening
17 community members, while also acknowledging the existence of
18 certain challenges to the enforcement of trespass laws; and
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20 WHEREAS, the Neighborhood Board subsequently sent a formal
21 written communication to the elected officials representing the
22 North Shore community to ask that the Neighborhood Board's
23 concerns regarding trespassing be addressed; and
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25 WHEREAS, the Neighborhood Board also clarified that it does
26 not wish to infringe on Native Hawaiian rights applicable to
27 beach access and access to other sites for cultural practices;
28 now, therefore,
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30 BE IT RESOLVED by the Senate of the Thirty-first
31 Legislature of the State of Hawaii, Regular Session of 2022, the
32 House of Representatives concurring, that the City and County of



1 Honolulu is urged to more vigorously enforce existing trespass
2 laws; and
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4 BE IT FURTHER RESOLVED that the Honolulu Police Department
5 and Department of the Prosecuting Attorney of the City and
6 County of Honolulu (Department of the Prosecuting Attorney) are
7 requested to jointly plan and conduct a public outreach campaign
8 for the purpose of better understanding the concerns of, and
9 obstacles faced by not only North Shore residents, but all
10 residents of the island of Oahu, with respect to trespass
11 incidents and residents' attempts to seek enforcement of
12 applicable trespass laws; and
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14 BE IT FURTHER RESOLVED that the public outreach campaign is
15 requested to include events such as town hall meetings or
16 listening sessions at which North Shore and other Oahu residents
17 may raise specific concerns, receive answers to their questions,
18 and provide input regarding the problem of trespassing, the
19 detrimental community impacts of illegal access to premises by
20 unauthorized individuals, and actions that may be taken to
21 improve enforcement of existing trespass laws; and
22

23 BE IT FURTHER RESOLVED that the Honolulu Police Department
24 and Department of the Prosecuting Attorney, as applicable, are
25 requested to take the following actions to more effectively
26 prevent and respond to trespassing incidents on Oahu:
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- 28 (1) Expand police patrol efforts within affected
29 communities;
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- 31 (2) Increase collaboration with affected communities, such
32 as through neighborhood watch programs;
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- 34 (3) Establish and promote awareness of a dedicated tip
35 line that may be used to report trespassing incidents
36 and electronically transmit images and video footage
37 of the incidents to the Honolulu Police Department;
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- 39 (4) Engage in interdepartmental collaboration on a
40 strategy to more effectively apprehend suspects and
41 prosecute violations of applicable trespass laws,
42 including identifying types of cases that should be



1 prioritized by the Honolulu Police Department for more
2 intensive investigation and documentation or fast-
3 tracked by the Department of the Prosecuting Attorney
4 for more expeditious resolution in the courts;
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6 (5) Devise a system to internally monitor and track repeat
7 offenders and ensure that apprehension efforts,
8 enforcement, and penalties sought are appropriately
9 escalated for repeat conduct, even where the
10 applicable trespass statute does not explicitly
11 require these actions and even where repeat conduct by
12 the same offender does not involve the same property
13 address each time;
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15 (6) Establish safeguards to ensure that any departmental
16 actions undertaken in response to trespassing
17 incidents do not have the effect of criminalizing or
18 otherwise discouraging the exercise of Native Hawaiian
19 gathering rights and traditional cultural practices as
20 authorized by law; and
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22 (7) Any other measures that would help to prevent and
23 address the problem of trespassing; and
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25 BE IT FURTHER RESOLVED that the Honolulu Police Department
26 and Department of the Prosecuting Attorney are requested to
27 jointly submit a report of the activities conducted by each
28 department in accordance with this request, along with any
29 proposed legislation, to the Legislature no later than twenty
30 days prior to the convening of the Regular Session of 2023; and
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32 BE IT FURTHER RESOLVED that certified copies of this
33 Concurrent Resolution be transmitted to the Mayor of the City
34 and County of Honolulu, Chief of the Honolulu Police Department,
35 and Prosecuting Attorney of the City and County of Honolulu.
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OFFERED BY: 

