

STAND. COM. REP. NO.

2100

Honolulu, Hawaii

FEB 07 2022

RE: S.B. No. 777
S.D. 2

Honorable Ronald D. Kouchi
President of the Senate
Thirty-First State Legislature
Regular Session of 2022
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 777, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO THE CRIMINAL DESTRUCTION OF TREES,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the offense of criminal destruction of a tree on state or county property, punishable as a misdemeanor.

Your Committee received testimony in support of this measure from the Department of Transportation, one member of the Honolulu City Council, and Trees for Honolulu's Future. Your Committee received comments on this measure from the Department of the Attorney General and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that trees are integral tools in tackling the climate crisis. In addition to carbon sequestration, trees reduce ambient temperatures and storm water runoff, calm traffic, and provide human health, psychological, and quality of life benefits. Establishing criminal penalties to apply to destruction of trees would strengthen enforcement capabilities and allow for greater protection, preservation, and enhancement of natural resources, while providing an opportunity for education



about the benefits of trees, which may result in impacts beyond issuing penalties.

Your Committee has amended this measure by:

- (1) Applying the intentional or knowing state of mind requirement to the offense of criminal destruction of a tree;
- (2) Specifying that if an arborist is needed to determine the value of the tree, the arborist be certified;
- (3) Requiring that a certified arborist determine the value of the tree only if the value of the tree is being contested;
- (4) Allowing the court to impose any combination of the stipulated penalties, including paying the State or county an amount equal to the replacement value of the tree, paying the State or county an amount equal to the cost to replace to tree, or performing community service;
- (5) Clarifying that any criminal action against a person for the offense of criminal destruction of a tree shall not preclude the State from pursuing civil legal action to recover administrative fines, fees, and costs;
- (6) Excluding State and county employees acting in the scope of employment from liability;
- (7) Inserting an effective date of July 30, 2050, to encourage further discussion; and
- (8) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 777, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 777, S.D. 2.



Respectfully submitted on
behalf of the members of the
Committee on Judiciary,



KARL RHOADS, Chair



The Senate
Thirty-First Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB777, SD1	AEN, JDE	01-25-22		
<input type="checkbox"/> The Committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
RHOADS, Karl (C)	✓			
KEOHOKALOHE, Jarrett (VC)	✓			
ACASIO, Laura	✓			
GABBARD, Mike	✓			
KIM, Donna Mercado	✓			
LEE, Chris				✓
FEVELLA, Kurt	✓			
TOTAL	6	-	-	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: Karl Rhoads				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes