



**TESTIMONY OF  
THE DEPARTMENT OF THE ATTORNEY GENERAL  
THIRTY-FIRST LEGISLATURE, 2022**

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**ON THE FOLLOWING MEASURE:**

H.B. NO. 1502, RELATING TO SAFE NEIGHBORHOODS.

**BEFORE THE:**

HOUSE COMMITTEE ON ECONOMIC DEVELOPMENT

**DATE:** Friday, February 11, 2022                      **TIME:** 10:00 a.m.

**LOCATION:** State Capitol, Room 312, Via Videoconference

**TESTIFIER(S):** Holly T. Shikada, Attorney General, or  
Adrian Dhakhwa, Deputy Attorney General

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Chair Quinlan and Members of the Committee:

The Department of the Attorney General (the Department) opposes this bill.

This bill creates a new section within chapter 706, Hawaii Revised Statutes (HRS), and authorizes the court to sentence a misdemeanor defendant to a geographic restriction as a term of probation if the defendant's instant conviction as well as the defendant's four prior misdemeanor convictions occurred within a single "business district" or "resort zoned area". This bill also creates an additional misdemeanor offense for violation of the geographic restriction, with a mandatory sentence of imprisonment of thirty days.

Existing law, section 706-624(2)(m), HRS, already authorizes the court to impose a geographical restriction as a special condition of probation, regardless of whether a defendant has any prior convictions, and regardless of where the offenses were committed. Section 706-624(2)(k), HRS, also allows the court to prohibit a defendant from residing in a specified place or area.

Additionally, if there is a willful and deliberate violation of the geographical restriction, and therefore a violation of a defendant's probation, that defendant would be subject to a probation revocation and resentencing for the offense. In other words, a defendant would be facing imprisonment for a full year, not just thirty days as proposed in this bill (page 1, line 15).

Finally, the Department notes that a definition was provided for "business district" (page 2, lines 5-11), but not for "resort zoned area" as referenced on page 1, line 8.

In conclusion, this bill is duplicative because existing law already provides the ability to achieve the bill's purpose and to impose a stronger penalty than what is proposed. It also potentially undercuts the penalties already provided in current law, by creating an inconsistency between the proposed new section and the existing law. We respectfully request this committee hold this bill.

Thank you for the opportunity to provide testimony.



WAIKIKI NEIGHBORHOOD BOARD NO. 9

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February 9, 2022

House Committee on Economic Development

House Bill 1502

The Waikiki Neighborhood Board is in favor of the concept of HB1502, Geographic Restrictions,

Over the years Waikiki criminal activity has increased with “career” people violating multiple misdemeanors and felonies in the Waikiki area.

Often the “career” violators names appear when they graduate to major crimes.

Your support for this bill is greatly appreciated.

Robert Finley  
Chair



**HB-1502**

Submitted on: 2/9/2022 2:52:08 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
David Moskowitz	Individual	Support	Yes

Comments:

Aloha Committee Chair and committee members

I am in total and unequivocally in support of this bill introduced by Representative Adrian Tam .As many of you already know I have pushed at the state legislature for possibly 5-6 years to have other similar bills passed ,initially by Waikiki previous state representative Tom Browser and again last year by state senator Sharon Moriwaki as well as Representative Adrian Tam .

The bill now has the best writing I've seen to date and it addresses the issues clearly and to where it is to be enforced and yes a individual can still work and/or reside in the area he/she may have conducted their crime .

Pretty simple use of a "waiver " which allows that to occur .All we ask is that the individual under this "waiver"to not commit and forget violations of our state laws.

This bill has come of age and previously was shelved by Seantur Rhodes and I understand his reasons at the time .

Now city prosecutor Steve Alm has begun to use 'weed and seed "in the downtown/Chinatown area and senator Rhodes should be able to move this bill further along to passage ,

I expect the bill to place the safety and security of our neighborhood's and all the residents ,kupuna and Keiko and business community in a safer place upon it's enactment and protect our state at this very challenging time

I ask for your support and ask everyone in the state to support this extremely important piece of legislation by Representative Tam and it's companion bill by Senator Moriwaki .

We need to take ownership of the problems in front of our state and this is a very important and productive step,

Mahalos

Dave Moskowitz



**LATE**

**HB-1502**

Submitted on: 2/10/2022 10:49:34 AM  
Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Samuel Mitchell	Individual	Support	No

Comments:

I think that HB1502 will reduce crime in Waikiki & China Town.

Samuel Mitchell Makiki NB-10

**LATE**

**HB-1502**

Submitted on: 2/10/2022 12:13:58 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Dara Carlin, M.A.	Individual	Support	No

Comments:

Stand in Support.

**LATE**

**HB-1502**

Submitted on: 2/10/2022 1:25:36 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Midori Marcia Sue Trent	Individual	Support	No

Comments:

There must be consequences for disregarding a rule, a law or a common courtesy. Light but fair punishment may eventually sink into the souls of our youth (I mean youth in the sense of anyone who does "not act like an adult should"... ) but NO CONSEQUENCE is not acceptable. Deter entry unless behavior is modified! Aloha



**LATE**

**HB-1502**

Submitted on: 2/10/2022 1:55:11 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jerome Bautista	Individual	Support	No

Comments:

I support this bill to make Waikiki a safer community.

**LATE**

**HB-1502**

Submitted on: 2/10/2022 2:19:19 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Denise Boisvert	Individual	Support	No

Comments:

Aloha and thank you for the opportunity to testify in STRONG SUPPORT of HB1502.

As a longtime resident of Waikiki, I know that crime is extremely high in my neighborhood because tourists are considered to be 'easy pickings'.

So of course anyone who has been convicted of various crimes in Waikiki and other resort and business districts and did not learn their lesson would want to return to where they can most easily jump back into the saddle!

Please kindly consider passing HB1502 out of committee.

Sincerely,

Denise Boisvert

**LATE**

**HB-1502**

Submitted on: 2/10/2022 2:35:53 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Kim Jorgensen	Individual	Support	No

Comments:

Dear Representatives,

I am grateful to my representative, Adriam Tam, for introducing this greatly needed bill that will offer law enforcement a tool to reduce repeat offenders in resort and business districts.

Crime happens everywhere but the ones who are unfortunately most vulnerable victims are tourists and shoppers because tourists are excited by the sights in new surroundings at all hours of the day or night and shoppers are focused on their looking for their next purchases.

Those who commit crimes in resort and business districts mostly target these distracted people. Hawaii doesn't need to be known as a place where visitors and shoppers are prey; and therefore those who have a history of committing crimes in a certain area should not be allowed to return to their favorite 'hunting grounds'.

I FULLY SUPPORT HB1502, and hope that all deision makers regarding it will as well.

Mahalo,

Kim Jorgensen

**LATE**

**HB-1502**

Submitted on: 2/10/2022 6:55:48 PM  
Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
jason moore	Individual	Support	No

Comments:

Good Afternoon Chairman and fellow committee members,

As a resident of Waikiki, I am asking you to please pass HB1502. Our beautiful Waikiki has become an embarrassment and huge safety problem for residents and tourists alike. I'm tired of hearing about more "studies"...more "meetings"... more "special funding". This ACTION is a step in the right direction. While those other options can still go forward, please move THIS along as fast as possible.

Please add language to the "individual who lives in the district" to NOT include "Mailboxes" such as Waikiki Health Center. Residence needs to be specified and defined pursuant to Federal Rules.

Thank you for your attention to this matter,

Jason Moore

Ohua avenue

**LATE**

**HB-1502**

Submitted on: 2/10/2022 7:30:08 PM  
Testimony for ECD on 2/11/2022 10:00:00 AM

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Maile Burke	Individual	Comments	No

Comments:

finer, penalties and restrictions on access sound just like what the doctor ordered.

however, processing and enforcement of these are not cost effective.

think incentives for change, not punishment of reality.

mahalo

maile burke

**HB-1502**

Submitted on: 2/10/2022 9:58:07 PM

Testimony for ECD on 2/11/2022 10:00:00 AM



<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Theresa Bell	Individual	Support	No

Comments:

I FULLY SUPPORT Bill HB1502. Our beautiful Waikiki neighborhood has been inundated with repeat lawbreakers, who are caught and then released to come right back into our community. I daily see the police doing their jobs diligently and efficiently. After all that good work, the offenders are released back in a short time. Then the police again do their jobs diligently and efficiently, having to go through the process with the same individual 20 times in one week. Our Hawaii resources, such as human effort, time, and finances could be protected and maximized with the passing of this bill. This HB1502 bill is a necessity. The Police need this bill, the community needs this bill, the businesses need this bill, and the tourists who visit beloved Hawaii need this bill. Thank you for bringing this bill to vote, and please vote YES!

**HB-1502**

Submitted on: 2/10/2022 11:20:17 PM

Testimony for ECD on 2/11/2022 10:00:00 AM

**LATE**

<b>Submitted By</b>	<b>Organization</b>	<b>Testifier Position</b>	<b>Remote Testimony Requested</b>
Jean Jeremiah	Individual	Support	No

Comments:

I strongly support HB 1502. How many misdemeanors/offenses does an offender have to incur before stricter penalties are imposed? Why bring the offender back into the neighborhood area in which the crime was committed? How does the victim(s) get protected and assured that the offender will not return and retaliate? I've always wondered how many times do these repeat offenders have to be convicted before they are finally put away. It has been a regular news item that "suspects/criminals/repeat offenders" have prior several convictions.