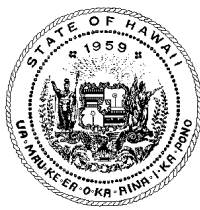


DAVID Y. IGE
GOVERNOR



STATE OF HAWAII
DEPARTMENT OF PUBLIC SAFETY
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Jordan Lowe
Deputy Director
Law Enforcement

No. _____

**TESTIMONY ON HOUSE BILL 784
RELATING TO TRESPASS.**

By
Max N. Otani, Director

House Committee on Judiciary and Hawaiian Affairs
Representative Mark M. Nakashima, Chair
Scot Z. Matayoshi, Vice Chair

Thursday, February 4, 2021; 2:00 p.m.
Via Video Conference

Chair Nakashima, Vice Chair Matayoshi, and Members of the Committees:

The Department of Public Safety (PSD) offers comments on House Bill (HB) 784, that authorizes all law enforcement to enforce trespass laws, without regard to whether the land is owned by the State or by a county.

PSD's Law Enforcement Division currently conducts and assists in joint trespass operations with local law enforcement; and supports this measure.

Thank you for the opportunity to provide this testimony.

BEFORE THE HOUSE JUDICIARY AND HAWAIIAN AFFAIRS COMMITTEE

February 4, 2020

HOUSE BILL 784
Relating to Law Enforcement

Aloha Chair Nakashima, Vice Chair Matayoshi and Members of the Committee,

Ka Lāhui Hawai'i Kōmike Kalai'āina submits the following written testimony in **STRONG OPPOSITION** to House Bill 784 which allows all law enforcement to "enforce" trespass laws.

This measure is targeting native Hawaiians and their descendants aka the Kanaka Maoli people and is being done in preparation for future arrests of peaceful protests atop Mauna Kea. There were 38 Kupuna arrested, handcuffed and taken away in vans on July 17, 2019. The Kupuna were protesting the building of the Thirty Meter Telescope on the Mauna Kea Access road atop sacred Mauna Kea. Jurisdictional issues were at the core of how fast the law enforcement response was and who arrested and how they were charged. This measure is racist and is targeting a specific group who are standing up for indigneous traditional, customary and religious rights to protect what is sacred.

Kanaka Maoli rights to access lands for traditional, customary, and subsistence purposes are recognized in the Hawaii State Constitution (1978) Article XII Section 7 which gives the government a duty to "protect all rights customarily and traditionally exercised for subsistence, cultural and religious purposes." The right to access lands was reconfirmed by the court in the Kalipi vs. Hawaiian Trust (1982) case. The cultural and customary access rights of Kanaka Maoli were further expanded in the courts in the Paty vs. Pele Defense Fund (1992) and in the Public Access and Shoreline vs. Hawaii County Planning Commission (1995) court decisions.

This measure would only result in more arrests of Kanaka Maoli who must always carry the burden of asserting and proving our native rights to these State and County lands the majority of which are Hawaiian Kingdom Crown and Government lands. Kanaka Maoli have unrelinquished rights to these lands as well as ancestral ties.

Me ka oiai'o,

M. Healani Sonoda-Pale
Public Affairs Officer, Ka Lāhui Hawai'i Kōmike Kalai'āina

LATE

HB-784

Submitted on: 2/4/2021 2:07:21 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Raul Nohea Goodness	Individual	Oppose	No

Comments:

I oppose HB784.

This bill, if enacted, would be yet another tool to criminalize Kanaka Maoli asserting access and gathering rights on public lands.

LATE

HB-784

Submitted on: 2/4/2021 2:10:55 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Rhonda	Individual	Oppose	No

Comments:

I strongly oppose 784

LATE

HB-784

Submitted on: 2/4/2021 2:16:21 PM

Testimony for JHA on 2/4/2021 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Jessica dos Santos	Individual	Oppose	No

Comments:

I strongly oppose HB 784. This is clearly targeting Hawaiian people standing up for their rights to protect the aina, their communities, and what is sacred. This bill would work towards criminalizing a larger right for people to petition the government for a redress of wrongs. In the case of kia'i/protectors, it is also a case of criminalizing individuals who have not given up their inherent claims as sovereigns over stolen Hawaiian lands in an illegally occupied sovereign nation under belligerent occupation by the U.S. The state of Hawai'i is encouraged to focus its energies on actual criminals who are a danger to society rather than criminalizing people who are standing up for justice and doing the right thing.