

Honolulu, Hawaii

MAR 16 2023

RE: H.B. No. 364
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Water and Land, to which was referred H.B. No. 364 entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose and intent of this measure is to clarify that when a trespass involves public land, all state and county law enforcement officers are authorized to and shall enforce trespass laws, without regard to whether the land is owned by the State or by a county.

Your Committee received testimony in support of this measure from the University of Hawai'i System and Hawai'i State Public Library System. Your Committee received testimony in opposition to this measure from the Office of Hawaiian Affairs. Your Committee received comments on this measure from one individual.

Your Committee finds that jurisdictional uncertainties over who is responsible for a certain area of public land can deter necessary and expedient responses from law enforcement to remove trespassers. This delay or inaction from law enforcement can further result in the taking or damaging of the State's precious natural resources and can have serious impacts on public safety. Therefore, this measure removes any jurisdictional confusion by authorizing and requiring all state and county law enforcement



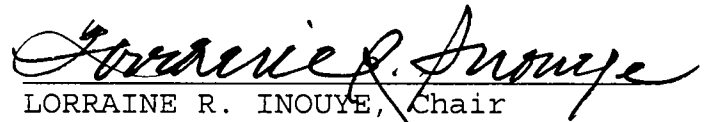
officers to enforce trespass laws, without concern over which government entity is jurisdictionally responsible.

Your Committee has amended this measure by:

- (1) Providing that any state or county law enforcement officer "may" enforce the trespass laws, as opposed to "shall"; and
- (2) Inserting language to ensure that Native Hawaiians are not criminalized when exercising their constitutionally protected rights on public lands.

As affirmed by the record of votes of the members of your Committee on Water and Land that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 364, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 364, S.D. 1, and be referred to your Committee on Judiciary.

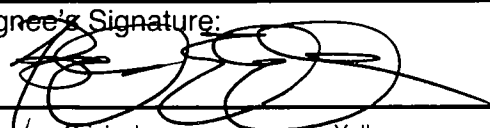
Respectfully submitted on
behalf of the members of the
Committee on Water and Land,


LORRAINE R. INOUE, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Water and Land
WTL

Bill / Resolution No.:*	Committee Referral:	Date:		
HB 364	WTL, JDC	3/13/23		
<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
INOUYE, Lorraine R. (C)	✓			
ELEFANTE, Brandon J.C. (VC)	✓			
CHANG, Stanley	✓			
MCKELVEY, Angus L.K.	✓			
FEVELLA, Kurt				✓
TOTAL	4	ϕ	ϕ	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: <div style="text-align:center; margin-top: 10px;">  </div>				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes