

STAND. COM. REP. NO.

745

Honolulu, Hawaii

MAR 03 2023

RE: S.B. No. 353
S.D. 2

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

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 353, S.D. 1, 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 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 Hawai'i State Public Library System and University of Hawai'i System. Your Committee received testimony in opposition to this measure from one individual. Your Committee received comments on this measure from the Office of Hawaiian Affairs.

Your Committee finds that jurisdictional uncertainties have limited cooperation between county and state law enforcement officers to effectively remove trespassers from public property. This measure will make it clear that either state or county law enforcement can enforce trespass violations regardless of which governmental entity owns or controls a parcel of public land.

Your Committee has amended this measure by:



- (1) Adding language that specifies that this measure shall not affect native Hawaiian traditional and customary rights as set forth in the Hawaii State Constitution;
- (2) Making it effective upon its approval; and
- (3) 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. 353, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 353, S.D. 2.

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

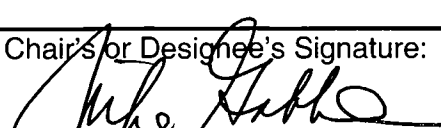


KARL RHOADS, Chair



The Senate
 Thirty-Second Legislature
 State of Hawai'i

Record of Votes
Committee on Judiciary
JDC

Bill / Resolution No.:*	Committee Referral:	Date:		
SB 353 SDI	WTL, JDC	2/24/23		
<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
RHOADS, Karl (C)	✓			
GABBARD, Mike (VC)	✓			
ELEFANTE, Brandon J.C.	✓			
SAN BUENAVENTURA, Joy A.			✓	✓
AWA, Brenton				
TOTAL	3	-	1	1
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy				

*Only one measure per Record of Votes