



STATE OF HAWAII
HAWAII STATE PUBLIC LIBRARY SYSTEM
'OIHANA HALE WAIHONA PUKE AUPUNI O KA MOKU'ĀINA O HAWAII
OFFICE OF THE STATE LIBRARIAN
44 MERCHANT STREET
HONOLULU, HAWAII 96813

HOUSE COMMITTEE ON JUDICIARY & HAWAIIAN AFFAIRS

Friday, February 24, 2023

2:00 PM

Conference Room 325

**By Stacey A. Aldrich
State Librarian**

H.B. 364 RELATING TO TRESPASS

To: Rep. David A. Tarnas, Chair
Rep. Gregg Takayama, Vice Chair
Members of the House Committee on Judiciary & Hawaiian Affairs

The Hawaii State Public Library System (HSPLS) **supports** H.B. 364 which clarifies 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. This bill clarifies the jurisdictional issues that can sometimes deter a response by law enforcement.

The HSPLS has 51 branches statewide, and access to the public libraries and facilities is key to carrying out our mission. There are times when access to the buildings, book-drop/pick-up boxes, staff, collections, and programs and services is hindered, and staff need assistance from law enforcement.

Current jurisdictional issues, particularly in the area near the Hawaii State Library, have resulted in an absence of enforcement and encouraged the continued encampment of houseless to live along the Likelike Mall entrance to Iolani Palace. Having individuals living along the Likelike Mall is dangerous and impacts the public's ability to access State property safely. We hope that this measure will help provide some resolution to this continuing problem.

Thank you for the opportunity to provide testimony on H.B. 364.



UNIVERSITY OF HAWAII SYSTEM

‘ŌNAEHANA KULANUI O HAWAII

Legislative Testimony

Hō'ike Mana'o I Mua O Ka 'Aha'ōlelo

Testimony Presented Before the
House Committee on Judiciary & Hawaiian Affairs
February 24, 2023 at 2:00 p.m.

By

Kalbert K. Young

Vice President for Budget and Finance/Chief Financial Officer
University of Hawai'i System

HB 364 – RELATING TO TRESPASS

Chair Tarnas, Vice Chair Takayama, and Members of the Committee:

Thank you for the opportunity to testify on this measure, which clarifies that either state or county law enforcement officers may enforce trespass violations on public lands regardless of whether that land is owned or controlled by the state or a county. The University of Hawai'i (UH) System supports this measure, because it will make government more effective and expedite the enforcement of trespass laws.

The UH can attest that there is a public benefit to clarifying this issue. It is already the case that law enforcement can enforce trespass under existing statutes, e.g., [HRS §708-814.7](#), entitled "Criminal trespass onto state lands." However, the UH and I have witnessed first-hand how jurisdictional uncertainties have limited the vigor, and thereby, cooperation at which county and state law enforcement officers have been able to effectuate removing trespassers from public property – even when those trespassers were explicitly preventing public agencies from providing public services.

Although this bill may only succeed in re-iterating the authority that is already codified in statutes, I believe that such restatement will serve to make clearer that either state or county law enforcement can enforce trespass violations regardless of which government entity owns or controls a parcel of public land. The bill will also further convey the legislature's intent that enforcing trespass statutes already on the books is important to ensuring the public's health, safety, and welfare as well as the proper management of public lands.

Thank you for the opportunity to testify on this measure.

HB-364

Submitted on: 2/22/2023 1:03:49 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Barryn Chun	Individual	Oppose	Written Testimony Only

Comments:

This measure is too vague, does not define what "authority" determines trespass, and what gives them the legitimacy or rights to determine that. It means some law enforcement officer can easily claim "you're trespassing" and arrest you based on this claim. This is clearly going to be used to target people for arrest. As a lifelong resident of Hawai'i I oppose this measure. This is not how we do things here.

HB-364

Submitted on: 2/22/2023 5:43:05 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
cheryl B.	Individual	Oppose	Written Testimony Only

Comments:

I OPPOSE this bill which clarifies 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.

I am in OPPOSITION because it puts no level of accountability on said enforcement officers and also makes no provision for law enforcement officers to be trained or have knowledge of which lands are public. It may state in another part of the law to which this bill adds to #708 but I do not see it here the consideration for cultural practitioners. Will a cultural practitioner be arrested or fined first and then have to fight in court? These are Hawaiian lands and the cultural rights and practices are protected. In addition, does this mean that HPD or any law enforcement can call others from the other county, state agencies or does there need to be some kind of hierarchy in determining who can be called?

While I understand that there are places on our islands that have state/county and city within a block, this bill has more questions than answers. I OPPOSE

HB-364

Submitted on: 2/24/2023 3:29:33 PM

Testimony for JHA on 2/24/2023 2:00:00 PM

Submitted By	Organization	Testifier Position	Testify
Dana Keawe	Individual	Oppose	Written Testimony Only

Comments:

oppose