



GOV. MSG. NO. 1345

EXECUTIVE CHAMBERS
KE KE'ENA O KE KIA'ĀINA

JOSH GREEN, M.D.
GOVERNOR
KE KIA'ĀINA

July 9, 2024

The Honorable Ronald D. Kouchi
President of the Senate,
and Members of the Senate
Thirty-Second State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki
Speaker, and Members of the
House of Representatives
Thirty-Second State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on July 9, 2024, the following bill was signed into law:

SB2532 SD2 HD1 CD1

RELATING TO CRIME.
ACT 240

Sincerely,



Josh Green, M.D.
Governor, State of Hawai'i

on JUL 9 2024

THE SENATE
THIRTY-SECOND LEGISLATURE, 2024
STATE OF HAWAII

S.B. NO. 2532
S.D. 2
H.D. 1
C.D. 1

A BILL FOR AN ACT

RELATING TO CRIME.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that there has been an
 2 increase in criminal acts by non-residents within the restricted
 3 areas of multi-unit dwellings. As the number of multi-unit
 4 dwellings continues to rise in the foreseeable future, the
 5 efforts of law enforcement agencies and county prosecuting
 6 offices need to be directed, whenever possible, toward
 7 investigating and prosecuting the criminal acts of non-residents
 8 within the restricted areas of multi-unit dwellings as
 9 burglaries. Burglary, as opposed to theft, is not only an
 10 offense against property rights, it is an offense against the
 11 fundamental sense of security and well-being of the owner whose
 12 property has been unlawfully entered.

13 Pursuant to section 708-810, Hawaii Revised Statutes,
 14 burglary of a dwelling is a class B felony, regardless of the
 15 value of any property stolen or damaged or any other crime
 16 committed or attempted during the unlawful entry. The
 17 legislature notes with concern the frequent reluctance of county
 18 law enforcement and prosecutor's offices to investigate and



1 prosecute burglaries of restricted parking and storage areas
2 within apartment buildings and condominiums, despite the clear
3 danger posed to the buildings' residents. The legislature also
4 notes that, with respect to the burglary of a parking or storage
5 area within a multi-unit dwelling, it is also the building's
6 owner or condominium association whose property has been invaded
7 and who may be in the best position to follow through with law
8 enforcement agencies to provide evidence and cooperate with the
9 prosecution of the crime.

10 Accordingly, the purpose of this Act is to:

- 11 (1) Clarify that the definition of "dwelling", as it
12 relates to offenses against property rights, includes
13 multi-unit buildings and connected parking or storage
14 areas that are restricted to residents; and
- 15 (2) Allow the owner of a multi-unit building, owner of an
16 individual unit, a property manager, or an authorized
17 representative of the condominium association to act
18 as a complainant for the purpose of investigating and
19 prosecuting an offense of burglary in the first degree
20 in a multi-unit building.



1 SECTION 2. Section 708-800, Hawaii Revised Statutes, is
2 amended by amending the definition of "dwelling" to read as
3 follows:

4 "Dwelling" means a building [~~which~~], including a
5 multi-unit building, that is used or usually used by a person or
6 persons for lodging. "Dwelling" includes any connected parking
7 or storage areas, access to which is clearly restricted to
8 residents by means of signage or security apparatus, or both."

9 SECTION 3. Section 708-810, Hawaii Revised Statutes, is
10 amended to read as follows:

11 "§708-810 Burglary in the first degree. (1) A person
12 commits the offense of burglary in the first degree if the
13 person intentionally enters or remains unlawfully in a building,
14 with intent to commit therein a crime against a person or
15 against property rights, and:

16 (a) The person is armed with a dangerous instrument in the
17 course of committing the offense;

18 (b) The person intentionally, knowingly, or recklessly
19 inflicts or attempts to inflict bodily injury on
20 anyone in the course of committing the offense; or



1 (c) The person recklessly disregards a risk that the
2 building is the dwelling of another, and the building
3 is such a dwelling.

4 (2) An act occurs "in the course of committing the
5 offense" if it occurs in effecting entry or while in the
6 building or in immediate flight therefrom.

7 (3) In the case of a dwelling that is a multi-unit
8 building, the owner of the multi-unit building, owner of an
9 individual unit, a property manager, or an authorized
10 representative of the condominium association may act as a
11 complainant.

12 [~~3~~] (4) Burglary in the first degree [~~is~~] shall be a
13 class B felony."

14 SECTION 4. Statutory material to be repealed is bracketed
15 and stricken. New statutory material is underscored.

16 SECTION 5. This Act shall take effect upon its approval.



S.B. NO.

2532
S.D. 2
H.D. 1
C.D. 1

APPROVED this **9th** day of **July**, 2024



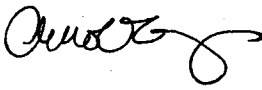
GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI'I

Date: May 1, 2024
Honolulu, Hawai'i 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-Second Legislature of the State of Hawai'i, Regular Session of 2024.


President of the Senate


Clerk of the Senate

SB No. 2532, SD 2, HD 1, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 1, 2024
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-Second Legislature of the State of Hawaii, Regular Session of 2024.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives