

Honolulu, Hawaii

**FEB 29**, 2024

RE: H.B. No. 2311  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-Second State Legislature  
Regular Session of 2024  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 2311 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Clarify that the secured areas appurtenant to a multi-unit dwelling are included as dwellings for the purposes of prosecuting offenses under burglary in the first degree; and
- (2) Allow the owner of a multi-unit building or a condominium association to act as a complainant for the purpose of investigating and prosecuting a burglary in the first degree in a multi-unit building.

Your Committee received testimony in support of this measure from the Honolulu Police Department; Honolulu Tower AOA; and four individuals. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that there has been an increase in the number of criminal acts by non-residents in areas of multi-unit buildings that are restricted to residents. Your Committee



further finds that there is a need to clarify that the areas in multi-unit buildings that are restricted to residents, such as parking and storage areas within apartment buildings and condominiums, are part of the overall dwelling to ensure acts of theft in these areas are properly investigated and prosecuted as a burglary.

Your Committee has amended this measure by:

- (1) Amending the definition of "dwelling" to:
  - (A) Include parking and storage areas appurtenant to single family homes and other types of dwellings as well as multi-unit buildings; and
  - (B) Delete the requirement that the parking and storage areas be exclusive and secured and instead require that access to the parking and storage areas are clearly restricted to residents by means of signage or security apparatus, or both;
- (2) Clarifying which entities may act as a complainant;
- (3) Changing the effective date to July 1, 3000, to encourage further discussion; and
- (4) Making technical, nonsubstantive amendments for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 2311, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 2311, H.D. 1, and be placed on the calendar for Third Reading.



Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,

*David Tarnas*

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DAVID A. TARNAS, Chair



