

Honolulu, Hawaii

FEB 14 2024

RE: S.B. No. 2532

S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Thirty-Second State Legislature
Regular Session of 2024
State of Hawaii

Sir:

Your Committee on Commerce and Consumer Protection, to which was referred S.B. No. 2532 entitled:

"A BILL FOR AN ACT RELATING TO CRIME,"

begs leave to report as follows:

The purpose and intent 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 chapter 708, Hawaii Revised Statutes (HRS); and
- (2) Allow the owner of a multi-unit building or the 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 and five 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 criminal acts within the secured areas of multi-unit dwellings, which include secured parking and storage areas, committed by



individuals who are neither residents nor guests of the property. Your Committee also finds that county law enforcement officers and prosecutors have been frequently reluctant to investigate and charge burglaries that occur in these secured areas because they are not clearly "dwellings", despite the clear danger posed to building residents. Therefore, this measure clarifies the existing ambiguity and amends the definition of "dwelling" to include the secured areas appurtenant to multi-unit buildings for the purposes of prosecuting offenses against property rights under chapter 708, HRS.

Notwithstanding, your Committee has heard the testimony of the Department of the Attorney General recommending that the definition of certain terms and procedures be further clarified to better capture the Legislature's intent and for practicality of enforcement. Amendments to this measure are therefore necessary to address these concerns.

Accordingly, your Committee has amended this measure by:

- (1) Clarifying the definition of "dwelling" to mean a building, including a multi-unit building, which is used or usually used by a person or persons for lodging, and shall include any clearly marked and secured appurtenant parking or storage area;
- (2) Clarifying that a secured appurtenant area need only be "clearly marked and secured", instead of "clearly marked, exclusive, and secured" and providing examples of such areas;
- (3) Adding individual unit owners, property managers, and authorized representatives of condominium associations to also act as complainants for the purpose of investigating and prosecuting a burglary in the first degree of a multi-unit building;
- (4) Amending section 1 to reflect its amended purpose; and
- (5) 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 Commerce and Consumer Protection that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2532, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2532, S.D. 1, and be referred to your Committee on Judiciary.

Respectfully submitted on
behalf of the members of the
Committee on Commerce and
Consumer Protection,



JARRETT KEOHOKALOLE, Chair



