Honolulu, Hawaii

MAR 2 - 2006

RE: S.B. No. 2687

Honorable Robert Bunda President of the Senate Twenty-Third State Legislature Regular Session of 2006 State of Hawaii

Sir:

Your Committee on Judiciary and Hawaiian Affairs, to which was referred S.B. No. 2687 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS,"

begs leave to report as follows:

The purpose of this measure is to repeal the petty misdemeanor offense of criminal trespass onto public parks and recreational grounds.

Testimony in support of this measure was submitted by the Office of the Public Defender; the American Civil Liberties Union of Hawaii; the Institute for Human Services, Inc.; the Interfaith Alliance Hawaii; Partners in Care; and four individuals. Testimony in opposition to this measure was submitted by the Kuli`ou`ou/Kalani Iki Neighborhood Board #2 and the Honolulu Police Department. The Department of Land and Natural Resources submitted comments on the measure.

In 2004, the Legislature enacted Act 50, Session Laws of Hawaii 2004, to deter squatting on public parks and recreational grounds. However, this law implicated important social issues that generated debate within the community as to its effectiveness in addressing the issue of squatting. Subsequently in 2005, the Legislature established the petty misdemeanor offense of criminal trespass onto public parks and recreational grounds and repealed the amendments made to the offense of criminal trespass in the second degree by Act 50.

Your Committee finds that the new petty misdemeanor offense of criminal trespass onto public parks and recreational grounds may still have some problems as to its effectiveness in addressing the issue of squatting. Given that, your Committee finds it appropriate to repeal section 708-814.5, Hawaii Revised Statutes, which prohibits criminal trespass onto public parks and recreational grounds.

As affirmed by the record of votes of the members of your Committee on Judiciary and Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2687 and recommends that it pass Second Reading and be placed on the calendar for Third Reading.

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

COLLEEN HANABUSA, Chair

The Senate Twenty-Third Legislature State of Hawaii

Record of Votes of the Committee on Judiciary and Hawaiian Affairs (Bills and Resolutions)

Measure:* SB 2687	Committee Referral: JHW		Date:	- 1-41/0/	
The committee is reconsidering its previous decision on this measure.					
If so, then the previous decision was to:					
The Recommendation is to:	÷				
Pass, unamended Pass, with amendments Hold Recommit (2312) (2311) (2310) (2313)					
Members		Ayes	Ayes(WR)	Nays	Excused
HANABUSA, Colleen (C)	*****		/		
CHUN OAKLAND, Suzanne ENGLISH, J. Kalani					
IHARA, Jr., Les					
WHALEN, Paul		: :::::::::::::::::::::::::::::::::::::			
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TOTAL		1	0		
Recommendation: Adopted Not Adopted					
Chair's or Designee's Signature: All All All All All All All A					
Distribution: Original Yellow Pink Goldenrod File with Committee Report Clerk's Office Drafting Agency Committee File Copy					

^{*}Do not list more than one measure per Record of Votes.