

STAND. COM. REP. NO.

396

Honolulu, Hawaii

FEB 20 2009

RE: S.B. No. 786
S.D. 1

Honorable Colleen Hanabusa
President of the Senate
Twenty-Fifth State Legislature
Regular Session of 2009
State of Hawaii

Madam:

Your Committee on Economic Development and Technology, to which was referred S.B. No. 786 entitled:

"A BILL FOR AN ACT RELATING TO HISTORIC PLACES,"

begs leave to report as follows:

The purpose of this measure is to create the criminal offense of criminal trespass on historic places and the criminal offense of criminal property damage to historic sites.

Testimony in support of this measure was submitted by the Department of Land and Natural Resources, the Office of Hawaiian Affairs, the Historic Hawaii Foundation, and two concerned individuals. Testimony in opposition of this measure was submitted by one concerned individual. Written testimony presented to the Committee may be reviewed on the Legislature's website.

Your Committee appreciates that the Hawaii Register of Historic Places is the official listing of cultural resources that are recognized as significant to Hawaii's history, architecture, engineering, and culture. The list of buildings, sites, objects, districts, and structures give a sense of place and identity to those who live in the islands, as well as impart to visitors a tangible reminder of the State's complex and rich history that contributes to the collective heritage of residents.

Your Committee finds that, given the importance of the sites recognized on the Hawaii Register of Historic Places, it is

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appropriate that those places be treated with special care, dignity, and respect.

Upon further consideration, your Committee acknowledges that the criminal trespass provisions proposed by this measure should be classified as a misdemeanor, rather than a felony. Furthermore, rather than providing for the proposed crimes in new sections of the Hawaii Revised Statutes, these crimes may be appropriately incorporated in the existing crimes of criminal trespass in the first degree and criminal property damage in the first degree.

Accordingly, your Committee has amended this measure by deleting its contents and inserting provisions to:

- (1) Make the entering or remaining unlawfully on property listed in the Hawaii Register of Historic Places after warning or request to leave, an offense of criminal trespass in the first degree, a misdemeanor; and
- (2) Make the intentional or knowing damage to property on the Hawaii Register of Historic Places an offense of criminal property damage in the first degree, a class B felony.

As affirmed by the record of votes of the members of your Committee on Economic Development and Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 786, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 786, S.D. 1, and be referred to the Committee on Judiciary and Government Operations.

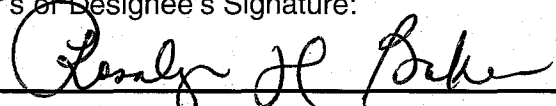
Respectfully submitted on
behalf of the members of the
Committee on Economic
Development and Technology,


CAROL FUKUNAGA, Chair



The Senate
 Twenty-Fifth Legislature
 State of Hawaii

Record of Votes
Committee on Economic Development and Technology
EDT

Bill / Resolution No.:*	Committee Referral:	Date:		
SB786	EDT, J60	2-16-09		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is:				
<input type="checkbox"/> Pass, unamended 2312 <input checked="" type="checkbox"/> Pass, with amendments 2311 <input type="checkbox"/> Hold 2310 <input type="checkbox"/> Recommit 2313				
Members	Aye	Aye (WR)	Nay	Excused
FUKUNAGA, Carol (C)	✓			
BAKER, Rosalyn H. (VC)	✓			
HEE, Clayton				✓
IGE, David Y.	✓			
SLOM, Sam	✓			
TOTAL	4	—	—	1
Recommendation:				
<input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature:				
				
Distribution:				
Original	Yellow	Pink	Goldenrod	
File with Committee Report	Clerk's Office	Drafting Agency	Committee File Copy	

*Only one measure per Record of Votes