STAND. COM. REP. NO. 934

Honolulu, Hawaii March 4 , 2011

RE: H.B. No. 227 H.D. 2

Honorable Calvin K.Y. Say Speaker, House of Representatives Twenty-Sixth State Legislature Regular Session of 2011 State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred H.B. No. 227, H.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO TRESPASS,"

begs leave to report as follows:

The purpose of this bill is to help protect owners and occupants of unimproved and unused land by making entering or remaining unlawfully on unimproved or unused agricultural lands without permission an offense of criminal trespass in the second degree if the lands are fenced, enclosed, or secured, or a sign is displayed.

This bill also includes entering or remaining on agricultural lands that are fallow or have evidence of livestock at the time of entry in the offense of trespass in the second degree.

Big Island Farm Bureau; Hawaii Cattlemen's Council, Inc.; Land Use Research Foundation of Hawaii; and a concerned individual supported this bill. The Department of Land and Natural Resources and Hawaii Farm Bureau Federation supported this measure with amendments. The Office of the Public Defender and Office of Hawaiian Affairs opposed this bill. The Department of the Attorney General provided comments.

Your Committee has amended this bill by:

(1) Including a definition of "unimproved or unused land";



STAND. COM. REP. NO. 934

- (2) Specifying that the lands must be fenced, enclosed, or secured in a manner designed to exclude the general public, rather than intruders;
- (3) Specifying that the displayed sign must read "Private Property - No Trespassing" rather than "Private Property";
- (4) Permitting the displayed sign to include a substantially similar message to that in paragraph (3) above;
- (5) Permitting the signs to be placed at reasonable intervals;
- (6) Changing its effective date to January 7, 2059, to encourage further discussion; and
- (7) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 227, H.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as H.B. No. 227, H.D. 2.

> Respectfully submitted on behalf of the members of the Committee on Judiciary,

GILBERT KEITH-AGARAN, Chair



State of Hawaii House of Representatives The Twenty-sixth Legislature

HSCR 974

Record of Votes of the Committee on Judiciary

Bill/Resolution No.: HB 127, HD1 Commi	ttee Referral: W	Date:	311111	-
□ The committee is reconsidering its previous decision on the measure.				
The recommendation is to: Pass, unamended (as is) Pass, with amendments (HD) Hold Pass short form bill with HD to recommit for future public hearing (recommit) 				
JUD Members	Ayes	Ayes (WR)	Nays	Excused
1. KEITH-AGARAN, Gilbert S.C. (C)				
2. RHOADS, Karl (VC)				~
3. BROWER, Tom				
4. CABANILLA, Rida T.R.				/
5. CARROLL, Mele				
6. HERKES, Robert N.				
7. ITO, Ken				
8. LUKE, Sylvia				
9. McKELVEY, Angus L.K.			-	
10. MORITA, Hermina M.				
11. OSHIRO, Blake K.				
12. SOUKI, Joseph M.	<u> </u>			
13. TSUJI, Clift				
14. FONTAINE, George R.				
15. MARUMOTO, Barbara C.				
16. THIELEN, Cynthia				
<u></u>				
TOTAL (16)	9			7
The recommendation is: Adopted If joint referral, did not support recommendation.				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				