STAND. COM. REP. NO.

Honolulu, Hawaii

FEB 2 8 2013

RE: S.B. No. 88 S.D. 1

Honorable Donna Mercado Kim President of the Senate Twenty-Seventh State Legislature Regular Session of 2013 State of Hawaii

Madam:

Your Committees on Human Services and Public Safety, Intergovernmental and Military Affairs, to which was referred S.B. No. 88 entitled:

"A BILL FOR AN ACT RELATING TO INTOXICATING LIQUORS IN PUBLIC HOUSING,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Prohibit possessing or keeping any bottle, can, or other receptacle containing any intoxicating liquor that has been opened, has a broken seal, or the contents of which have been partially removed while on any sidewalk or common area within a public housing project; and
- (2) Add "state low-income housing project" to the definition of public housing project for purposes of liquor control.

Your Committees received testimony in support of this measure from the Hawaii Public Housing Authority and one individual.

Your Committees find that state law prohibits the consumption of intoxicating liquors on public sidewalks, including any sidewalk within a public housing project as defined in sections 356D-1 and 356D-91, Hawaii Revised Statutes, and in common areas of public housing projects. However, this prohibition can be difficult to enforce since it is limited by the word



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"consumption", requiring that either a law enforcement officer visibly observe a perpetrator in the action of imbibing intoxicating liquor or a witness be willing to testify to visibly observing a perpetrator in the action of imbibing intoxicating liquor. By broadening the prohibition to possession of open intoxicating liquor containers, the requirement of physically observing a perpetrator in the act of imbibing in order to support prosecution is removed, making violations easier to report and enforce.

Your Committees have amended this measure by making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Human Services and Public Safety, Intergovernmental and Military Affairs that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 88, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 88, S.D. 1, and be placed on the calendar for Third Reading.

> Respectfully submitted on behalf of the members of the Committees on Human Services and Public Safety, Intergovernmental and Military Affairs,

WILL ESPERO, Chair

Banne Chun Unlilah

SUZANNE CHUN OAKLAND, Chair



The Senate Twenty-Seventh Legislature State of Hawaiʻi

Record of Votes Committee on Human Services HMS

Bill / Resolution No.:*	Committee Referral:Date:HMS/PSM2/7/13							
The committee is reconsidering its previous decision on this measure.								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
CHUN OAKLAND, Suzanne (C)								
GREEN, Josh (VC)								
KIDANI, Michelle N.								
TANIGUCHI, Brian T.								
SLOM, Sam								
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Recommendation:								
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

The Senate Twenty-Seventh Legislature State of Hawai'i

Record of Votes Committee on Public Safety, Intergovernmental and Military Affairs PSM

Bill / Resolution No.:*	Committee Referral: Date:							
3888	HMS/PSM 2/7/13							
The committee is reconsidering its previous decision on this measure.								
The Recommendation is:								
Pass, unamended Pass, with amendments Hold Recommit 2312 2311 2310 2313								
Members		Aye	Aye (WR)	Nay	Excused			
ESPERO, Will (C)								
BAKER, Rosalyn H. (VC)								
GALUTERIA, Brickwood								
GREEN, Josh								
SLOM, Sam		~						
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TOTAL		4			1			
Recommendation:								
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