

Honolulu, Hawaii MANCH 14 , 2017

RE: S.B. No. 895 S.D. 1 H.D. 1

Honorable Joseph M. Souki Speaker, House of Representatives Twenty-Ninth State Legislature Regular Session of 2017 State of Hawaii

Sir:

Your Committee on Water & Land, to which was referred S.B. No. 895, S.D. 1, entitled:

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

begs leave to report as follows:

The purpose of this measure is to establish the offense of criminal trespass on state lands, and to clarify that the offenses of criminal trespass in the second degree apply to government agricultural property, regardless of whether it is fenced, enclosed, or otherwise secured.

The Department of Public Safety; Hawaii Community Development Authority; Department of Transportation; Department of Health; University of Hawaii; Department of Education; Honolulu Police Department; and a few individuals testified in support of this measure. The Office of Hawaiian Affairs, American Civil Liberties Union of Hawaii, Ka Lāhui Hawai'i Political Action Committee, Community Alliance on Prisons, Animal Rights Hawaii, Ho'omana Pono, LLC., Pratt Law Hawaii, LLC, and numerous individuals testified in opposition to this measure. The Department of Land and Natural Resources, Governor's Coordinator on Homelessness, Department of the Attorney General, Department of Agriculture, Department of Human Services, Department of Taxation, and Department of Accounting and General Services commented on this measure.



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Your Committee notes that it is the Legislature's intent that the administrator will coordinate homelessness services in collaboration with other agencies prior to the implementation of this measure.

Your Committee has amended this measure by:

- Requiring a request to leave by a law enforcement officer prior to the trespass charges;
- (2) Clarifying that no lands administered by the Office of Hawaiian Affairs will be affected by this measure;
- (3) Clarifying that this measure will not impact any areas that are designated as safe havens;
- (4) Changing the effective date to July 1, 2050, to encourage further discussion; and
- (5) Making technical nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Water & Land that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 895, S.D. 1, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 895, S.D. 1, H.D. 1, and be referred to your Committee on Judiciary.

> Respectfully submitted on behalf of the members of the Committee on Water & Land,

Chair



State of Hawaii House of Representatives The Twenty-ninth Legislature

HSCR 1361

Record of Votes of the Committee on Water & Land

Bill/Resolution No.: 58 895, 501	Committee Referral: WAL, JUD			Date: 15	Mar	2017
□ 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)						
WAL Members		Ayes	Ayes (W)	R) Na	ays	Excused
1. YAMANE, Ryan I. (C)						
2. KONG, Sam Satoru (VC)	The other seas					
3. CULLEN, Ty J.K.						
A EVANS Cinder						
4. EVANS, Cindy						
5. ICHIYAMA, Linda		and a star in case of the second				
6. LEE, Chris						enzanan externe alla anti
7. LOWEN, Nicole E.		~				
8. SAY, Calvin K.Y.		\checkmark				
9. FUKUMOTO, Beth						/
TOTAL (9)		ما	1			2
The recommendation is: Image: Adopted in the provided of the pro						
Vice Chair's or designee's signature:						
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO						