

DAVID Y. IGE  
GOVERNOR



STATE OF HAWAII  
DEPARTMENT OF THE ATTORNEY GENERAL  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1500

DEPT. COMM. NO. 191

DOUGLAS S. CHIN  
ATTORNEY GENERAL

RUSSELL A. SUZUKI  
FIRST DEPUTY ATTORNEY GENERAL

December 28, 2017

The Honorable Ronald D. Kouchi  
President of the Senate  
and Members of the Senate  
Twenty-Ninth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

The Honorable Scott K. Saiki  
Speaker and Members of the House of  
Representatives  
Twenty-Ninth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Kouchi and Speaker Saiki:

For your information and consideration, I am transmitting one (1) copy for each of you of the Department of the Attorney General's Report on the Extent to which Act 136, an Act Relating to Criminal Trespass, has been Utilized pursuant to Section 4 of Act 136, Session Laws of Hawaii 2017. In accordance with Section 93-16, HRS, I am also informing you that the report may be viewed electronically at <http://ag.hawaii.gov/publications/reports/reports-to-the-legislature/>. If you have any questions or concerns, please feel free to call me at 586-1282.

Sincerely,

A handwritten signature in black ink, appearing to be "D. Chin", written over a horizontal line.

Douglas S. Chin  
Attorney General

c: David Y. Ige, Governor  
Shan S. Tsutsui, Lieutenant Governor  
Legislative Reference Bureau (Attn.: Karen Mau)  
Leslie Kondo, State Auditor  
Wesley K. Machida, Director of Finance, Department of Budget and Finance  
Stacey Aldrich, State Librarian, Hawaii State Public Library System  
David Lassner, PhD., President, University of Hawaii

Enclosure

**DAVID Y. IGE**  
GOVERNOR



**DOUGLAS S. CHIN**  
ATTORNEY GENERAL

**RUSSELL A. SUZUKI**  
FIRST DEPUTY ATTORNEY GENERAL

**STATE OF HAWAII**  
**DEPARTMENT OF THE ATTORNEY GENERAL**  
425 QUEEN STREET  
HONOLULU, HAWAII 96813  
(808) 586-1500

**REPORT ON THE EXTENT TO WHICH  
ACT 136, AN ACT RELATING TO CRIMINAL TRESPASS, SESSION  
LAWS OF HAWAII 2017, HAS BEEN UTILIZED**

**Pursuant to Section 4 of Act 136, Session Laws of Hawaii 2017**

**Calendar Year 2017**

**Submitted to the Twenty-Ninth State Legislature  
Regular Session of 2018**

## AUTHORITY AND BACKGROUND

Section 4 of Act 136, Session Laws of Hawaii 2017, entitled “an Act Relating to Criminal Trespass,” requires the Attorney General to submit a written report to the Legislature no later than twenty days prior to the convening of the regular sessions of 2018, 2019, and 2020 regarding the extent to which the provisions of the Act have been utilized.

Act 136 added to the Hawaii Revised Statutes (HRS) a new section, which has been codified as section 708-814.7, Criminal trespass onto state lands, and made amendments to the already existing section 708-814, HRS, Criminal trespass in the second degree. Both sections 708-814.7 and amended 708-814 specify the circumstances under which a person commits the offense of criminal trespass where state property is involved.

### THE EXTENT TO WHICH THE PROVISIONS OF ACT 136 HAVE BEEN UTILIZED

Thus far, the provisions of the new law have been used to create signage on property owned or managed by the Department of Transportation (DOT) and the Hawai'i Community Development Authority (HCDA). We are aware that the Department of Accounting and General Services is also in the process of producing signs authorized by Act 136 for posting on the properties it manages.

The DOT has posted new signage authorized by Act 136 in the following areas: Nimitz viaduct, Nimitz bike path, airport areas of Keehi Lagoon, and Sand Island.

The HCDA has also posted new signage authorized by Act 136 at one of its non-park properties.

Law enforcement has used section 708-814.7, specifically, as a basis for requesting individuals to vacate state lands owned or managed by DOT and HCDA.

To the Department of the Attorney General's knowledge, at the time of this writing, no arrests have been made utilizing the provisions of Act 136.