

STAND. COM. REP. NO.

2927

Honolulu, Hawaii

FEB 27 2020

RE: S.B. No. 2633  
S.D. 1

Honorable Ronald D. Kouchi  
President of the Senate  
Thirtieth State Legislature  
Regular Session of 2020  
State of Hawaii

Sir:

Your Committee on Judiciary, to which was referred S.B. No. 2633 entitled:

"A BILL FOR AN ACT RELATING TO THE PENAL CODE,"

begs leave to report as follows:

The purpose and intent of this measure is to establish the offense of unauthorized attachment of an object to a fence, gate, wall, or other structure as a petty misdemeanor.

Your Committee received testimony in support of this measure from one individual. Your Committee received testimony in opposition to this measure from the Office of the Public Defender.

Your Committee finds that public sidewalks are increasingly obstructed by tents, illegal structures, signs, and other objects attached to adjacent property, such as fences, walls, gates, and other privately owned structures. Your Committee further finds that existing law does not adequately empower law enforcement officers to summarily detach these objects from the private property, forcing property owners to initiate civil complaints through the courts. This measure prohibits the attachment of objects to fences and other structures without permission by the owner, and facilitates the removal of objects attached in this manner, by establishing the criminal offense of unauthorized attachment of an object to a fence, gate, wall, or other structure.



Your Committee has amended this measure by:

- (1) Clarifying that the term "object" means any material thing that can be seen and touched, including but not limited to tarps, ropes, signage, and any communication that falls under the definition of "advertisement" in section 11-302, Hawaii Revised Statutes; and
- (2) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

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 S.B. No. 2633, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 2633, S.D. 1, and be placed on the calendar for Third Reading.

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



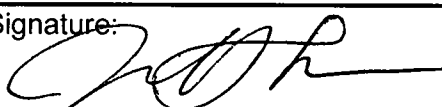
---

KARL RHOADS, Chair



The Senate  
Thirtieth Legislature  
State of Hawai'i

**Record of Votes**  
**Committee on Judiciary**  
**JDC**

Bill / Resolution No.:* <b>SB 2633</b>	Committee Referral: <b>JDC</b>	Date: <b>2/20/2020</b>		
<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
RHOADS, Karl (C)	/			
KEOHOKALOLE, Jarrett (VC)	/			
GABBARD, Mike				/
KIM, Donna Mercado	/			
FEVELLA, Kurt				/
<b>TOTAL</b>	<b>3</b>			<b>2</b>
Recommendation: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted				
Chair's or Designee's Signature: 				
<b>Distribution:</b> Original     Yellow     Pink     Goldenrod File with Committee Report     Clerk's Office     Drafting Agency     Committee File Copy				

\*Only one measure per Record of Votes