

STAND. COM. REP. NO.

761

Honolulu, Hawaii

MAR 04 , 2021

RE: H.B. No. 818  
H.D. 1

Honorable Scott K. Saiki  
Speaker, House of Representatives  
Thirty-First State Legislature  
Regular Session of 2021  
State of Hawaii

Sir:

Your Committee on Judiciary & Hawaiian Affairs, to which was referred H.B. No. 818 entitled:

"A BILL FOR AN ACT RELATING TO CRIMINAL TRESPASS ONTO STATE LANDS,"

begs leave to report as follows:

The purpose of this measure is to provide that the facts and circumstances to be considered in establishing the offenses of criminal trespass in the second degree and criminal trespass onto state lands may include authenticated photographs, video recordings, or other recordings that show the commission of the offense.

Your Committee received testimony in opposition to this measure from the Office of the Public Defender and one individual. Your Committee received comments on this measure from the Department of Public Safety and Department of the Prosecuting Attorney of the City and County of Honolulu.

Your Committee finds that this measure is consistent with best evidence practices in proving criminal offenses.

2021-1574 HB818 HD1 HSCR HMSO



Your Committee has amended this measure by:

- (1) Clarifying that the facts and circumstances to be considered may include but not be limited to authenticated photographs, video recordings, or other recordings that show the commission of the offense; and
- (2) Making a technical, nonsubstantive amendment for the purposes of clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Judiciary & Hawaiian Affairs that is attached to this report, your Committee is in accord with the intent and purpose of H.B. No. 818, as amended herein, and recommends that it pass Second Reading in the form attached hereto as H.B. No. 818, H.D. 1, and be placed on the calendar for Third Reading.

Respectfully submitted on  
behalf of the members of the  
Committee on Judiciary &  
Hawaiian Affairs,



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MARK M. NAKASHIMA, Chair



**Record of Votes of the Committee on Judiciary & Hawaiian Affairs**

Bill/Resolution No.: <b>HB 818</b>	Committee Referral: <b>JHA</b>	Date: <b>2-9-21</b>		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
<b>The recommendation is to:</b> <input type="checkbox"/> Pass, unamended (as is) <input checked="" type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
JHA Members	Ayes	Ayes (WR)	Nays	Excused
1. NAKASHIMA, Mark M. (C)	✓			
2. MATAYOSHI, Scot Z. (VC)	✓			
3. ICHIYAMA, Linda	✓			
4. KOBAYASHI, Dale T.			✓	
5. LoPRESTI, Matthew S.	✓			
6. LOWEN, Nicole E.		✓		
7. McKELVEY, Angus L.K.		✓		
8. NAKAMURA, Nadine K.		✓		
9. TAKUMI, Roy M.		✓		
10. TODD, Chris				✓
11. TOKIOKA, James Kunane		✓		
12. WARD, Gene	✓			
<b>TOTAL (12)</b>	<b>5</b>	<b>5</b>	<b>1</b>	<b>1</b>
<b>The recommendation is:</b> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. committee acronym(s)				
<b>Vice Chair's or designee's signature:</b>				
<b>Distribution:</b> Original (White) - Committee      Duplicate (Yellow) - Chief Clerk's Office      Duplicate (Pink) - HMSO				